# MISSISSIPPI LAW JOURNAL

## PROCEEDINGS
## MISSISSIPPI STATE BAR
## Thirty-Seventh Annual Meeting

INDEX FOR VOLUME XIV

*September, 1942*

VOLUME XIV NUMBER 5

# STEPS

## IN ACQUIRING U. S. REPORTS

*In adding* UNITED STATES SUPREME COURT REPORTS to his library, the prudent lawyer would—

1. ***See*** the set most frequently encountered in his visits to other law offices.
2. ***Learn*** the great service value of ROSE'S NOTES (exclusively in the L. ed. edition).
3. ***Select*** the format which more nearly fills his requirements. (In the Lawyers' Edition there are three.)
4. ***Recognize*** the great value of the many exhaustive and thorough annotations in L. ed. containing a mass of cases on the questions selected for L. ed. annotations.
5. ***Investigate*** the time-saving possibilities in the great U. S. DIGEST, a digest built *exclusively* for the cases decided by the highest court in the land.

***And*** after having found that the proof favored LAWYERS' EDITION, the lawyer would have his secretary write us to furnish full information as to how easily this set could be added to his library.

*After all,* isn't that exactly what *you* should do? Write the publisher. Remember there is no obligation in asking for information to which you are entitled.

**The Lawyers Co-operative Publishing Company**

*30 Broad Street :-: New York City*

*Rochester, New York*

## LAW BOOKS WANTED

Miss. Reports vs. 64, 66, 69 to 71 inc., 80, 91, 94 to 97 inc.
Miss. Decisions (Unreported Cases) vol. 2
For Sale: U. S. Law. Ed. vs. 1 to 84 buckram like new, $180
Southwestern 1-300, 1-154 (2d), $575, buckram fine.

## JOHN R. MARA, LAW BOOK DEALER

2709 Lucas Drive, Dallas, Texas
LAW BOOKS BOUGHT, SOLD OR TRADED

THE BRIEF SPECIALISTS

## MONTGOMERY-ANDREE PRINTING CO., INC.

THE HOUSE OF PERFECT SERVICE

MAGNOLIA 1141 430 CHARTRES STREET NEW ORLEANS, LA.

## *Triumph!*

To the right is a reduced facsimile of the title page from a book that is just coming off our presses for one of our Mississippi friends.

Such books as these are indeed a triumph for our organization, and one that makes us proud to produce.

**Birmingham Printing Co.**
**Box 2531**
**Birmingham, Alabama**

## Moss' Law Book For Everybody

*Being a Little Handbook of Such Law as Everybody Should Know, and Written in Plain Language that the Average Person Can Understand*

*By*
O. F. MOSS
*A Member of the Mississippi Bar for More Than Thirty Years*

Price $2.00
Mail Order and Remittance to
O. F. MOSS, Lucedale, Mississippi

Printed By
BIRMINGHAM PRINTING COMPANY
Birmingham, Alabama

# Lawyers Tell Us It Pays

*To begin your search*

With

# WORDS and PHRASES

PERMANENT EDITION

The "One Minute Method" for Finding the Elusive Case in Point

---

*Affords an entirely new Avenue of Approach*

Because judicial definitions are a distinct and important avenue to legal precedents often leading you directly to your Authorities.

---

Ask for full particulars

**WEST PUBLISHING CO.** **ST. PAUL, MINN.**

# Mississippi Law Journal

JOURNAL of the MISSISSIPPI STATE BAR

VOL. XIV September, 1942 No. 5

## CONTENTS

DIRECTORY TO PROCEEDINGS

ADDRESSES

The President's Address ..... 539
George A. Wilson, *Property Rights and the Law of Oil and Gas* ..... 543
Camille Kelley, *Our Children in a World at War* ..... 553
Carl Marshall, *The Origin, Growth and Preservation of Democracy* ..... 572
T. C. Kimbrough, *The Lawyer's Part in the Great Defense Problems of Today* ..... 579
Claude Pepper, *A Democracy Totally Mobilized to Win the War* ..... 598
W. G. Roberds, *Constitutional Liberty* ..... 657

REPORTS

Committee on Coordination or Admission to the Bar ..... 566
Complaint Commissioner ..... 568
Legislative Committee ..... 569
Finance Committee ..... 585
Study Committee ..... 587
Committee on Americanism ..... 590
Committee on Unauthorized Practice of Law ..... 592
Mississippi Law Journal ..... 593
Junior Bar Section ..... 594
Committee on Public Relations ..... 611
Chairman of Junior Bar (*Jr. Bar*) ..... 621
Committee on Admission to the Bar (*Jr. Bar*) ..... 629
Legislative Committee (*Jr. Bar*) ..... 630
Committee on Cooperation with Young Lawyers (*Jr. Bar*) ..... 631
Committee on Unauthorized Practice and Encroachments on the Practice of Law (*Jr. Bar*) ..... 633
Study Committee (*Jr. Bar*) ..... 637
Code Committee (*Jr. Bar*) ..... 646

RESOLUTIONS AND DECLARATIONS OF POLICY

Resolutions Providing for Defense Committee ..... 614
Resolution as to Examination of Nonresidents for Bar Admission (*Jr. Bar*) ..... 620
Resolution Upon Practice of Law by Corporate Fiduciaries (*Jr. Bar*) ..... 633
Resolution Permitting Election of Honorary Members of State Bar to Junior Bar (*Jr. Bar*) ..... 656
Statement of Newly Elected President of State Bar ..... 619
Directory to Mississippi State Bar ..... 665

# WE BUY SECOND-HAND LAW BOOKS

We buy esteemed second-hand law books, and are especially interested in the purchase of complete law libraries which owners wish to sell in entirety to one cash buyer.

---

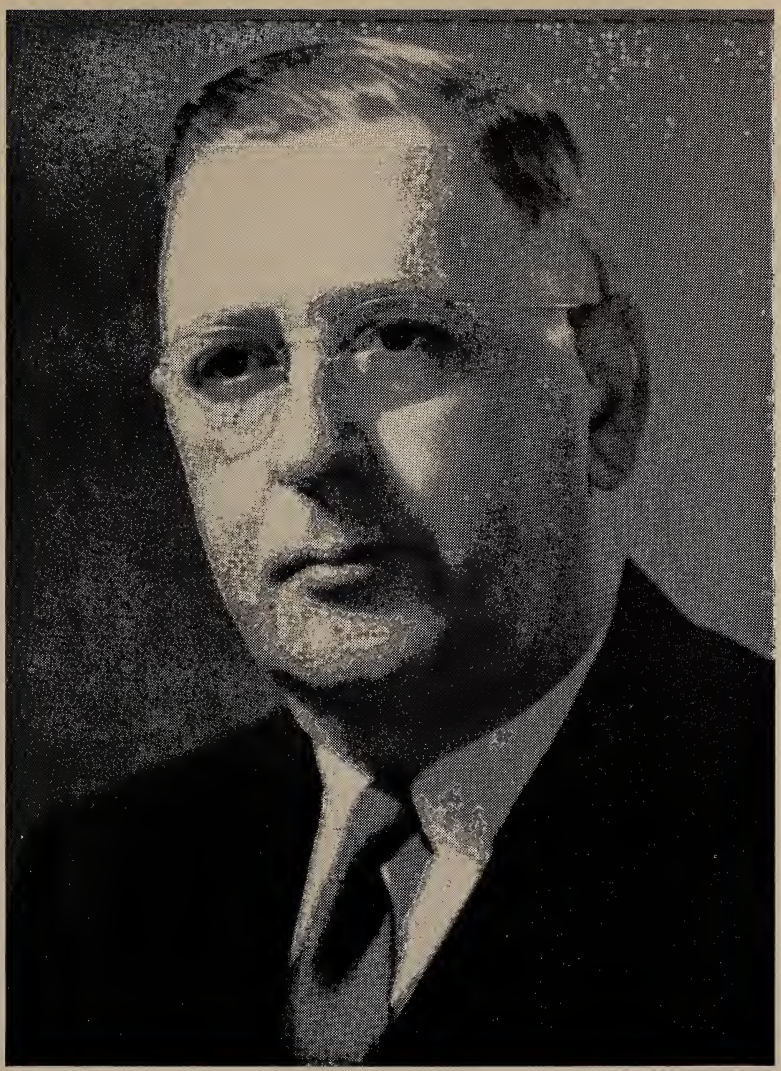
Correspondence, regarded as confidential, invited.

---

## CLAITOR'S BOOK STORE

600 Third Street

BATON ROUGE, LOUISIANA



ALEXANDER CURRIE

*Retiring President of Mississippi State Bar*

**PROCEEDINGS OF THE THIRTY-SEVENTH ANNUAL MEETING OF THE**

# Mississippi State Bar

**Held in the City of Biloxi, Mississippi, on the 10th-12th of June, 1942**

---

The convention was called to order by Mr. Alexander Currie, of Hattiesburg, President of the Mississippi State Bar.

The invocation was delivered by Rev. Henry T. Brookshire, Pastor of the First Baptist Church of Gulfport.

An address of welcome in behalf of the Harrison County Bar was delivered by Mr. W. Lee Guice, of Biloxi. The response in behalf of the Mississippi State Bar was delivered by Mr. Stokes V. Robertson, of Jackson.

The next item on the program was the President's Annual Address.

## PRESIDENT'S ANNUAL ADDRESS

ALEXANDER CURRIE

I count it a great privilege to speak to you on this occasion. Less than one year ago I was elevated to the Presidency of this great body, and have with all fidelity endeavored to discharge the duties resting upon me by reason of this undeserved and unmerited preferment at your hand.

Your Program Committee has chosen to call this the "Victory Program." It is fitting that lawyers should promulgate a "Victory Program." Never in the history of our government has it been threatened with such dangers as now threaten it, and in order that we may rekindle the fires of patriotism, able and eloquent addresses will be delivered throughout the two days of our convention, bringing before us in dramatic array the story of the formation, development and achievement of our great government.

July the Fourth stands out in our national history as the most momentous of all days and dates, because it was then that our forefathers enunciated the great principles upon which our government was founded, and upon which it has continued to exist until the present time. Of the delegates to this great and memorable convention, thirty-four of them were by training lawyers, and our great and noble profession wielded an influence in the formation of our government which endures unto the present, and shall endure so long as we have a democratic, free and sovereign people. The statement of the cause of the people was first made in the following language: "We hold these truths to be self evident, that all men are created equal, that they are endowed by their Creator with

certain unalienable Rights, that among these are Life, Liberty and the Pursuit of Happiness — That to secure these rights, Governments are instituted among men, deriving their just powers from the consent of the governed."

In the foregoing statement it is clearly discernible that it was greatly influenced by the logic and clear thinking of able lawyers.

The Preamble to the Constitution of the United States of America is in the following words: "We the People of the United States, in order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America."

It will be noted from this Preamble that they realized the necessity for perfect union, knowing full well that in union there is strength. The first purpose, therefore, for the confederation of the states was for unity — unity of purpose, thought and action. The same need for unity obtains today. "A house divided against itself cannot stand." "If we do not hang together we shall hang separately."

The second great purpose announced was that of the common defense. In order to provide an adequate and sufficient common defense it was necessary that there should first be this unity which was announced as the first great purpose of the Constitution. The common defense spoken of meant that the spirit of all for one and one or all should prevail. That if one member suffered, all members should suffer. That if one section was secure, that all sections should likewise be secure.

The third great purpose enumerated was the promotion of the general welfare. There are certain general or common blessings which are enjoyed by the whole or entire people and which common or general blessings and benefits promote and make sure and certain the general welfare of all the people wherever dispersed in the union of the states.

The fourth great blessing which was to be achieved by union of purpose and action and to be secured by the common defense was that of the blessings of liberty. We have been the recipients of the great blessings of liberty though we may not have at all times been mindful or sensible of such. The purpose of securing the blessings of liberty was not alone, however, for themselves, but it was the declared purpose of this body of patriots that these blessings were to be secured for their posterity, and we of today are the posterity of this august body, and we of today are the products of the blessings of liberty such as the world has never before experienced.

It is the earnest and patriotic desire and purpose of our Bar and Bench to foster patriotism and loyalty to law, order and country. It is our job and duty to crush treason and conspiracy against our government. It is time for vigorous action against these monsters from within and from without our country. We love America, her freedom and liberty.

We respect our flag, the symbol of her institutions. It is with pardonable pride that I declare to you that the right hand of the lawyer has always carried high the torch of liberty.

Patrick Henry, who was a lawyer, proclaimed his love of liberty in the immortal words, "Give me liberty or give me death." Not only have the lawyers been devout worshipers at the shrine of liberty but the genius and patriotism of the legal profession is one of the diadems in the crown of liberty. The Declaration of Independence was written by the unerring hand of a lawyer, Thomas Jefferson. He, too, was animated by the same spirit of freedom that inspired the soul of Patrick Henry. This instrument embodied the skill and genius which only the legal mind has, and it spoke forth to the world in thunderous tones, tones which still reverberate and resound, the independence, freedom and democracy of the United States.

The United States of America, and the Western Hemisphere, North, South and Central America, were exposed to danger of aggression and conquest by foreign countries, and to guard against these common dangers, the skill, ingenuity and patriotism of the lawyer again got into action and brought forth what is familiarly and historically known as the "Monroe Doctrine" and James Monroe was the lawyer who produced it. The Doctrine is today a bulwark of defense in the World War now raging between the democracies and the dictators of the world.

Francis Hopkinson, a lawyer, one of the signers of the Declaration of Independence, was the original designer of the first Great Seal of the United States of America and was the original designer of the Stars and Stripes — Old Glory — Our Flag, and wrote a secular song entitled, "My Days Have Been So Wondrous Free."

Francis Scott Key, a lawyer, wrote the words and music of the "Star Spangled Banner," which was designated as the national anthem of the United States of America.

There were sixty-odd delegates chosen to go to the Constitutional convention, the purpose of which was well known, but the exact form of the document which was to be the product of the thought and labor of the convention perhaps was not definitely in the minds of the delegates when they assembled. Ten of these delegates did not attend the convention. They were perhaps our first isolationists. No doubt each had what he deemed to be a sufficient and satisfactory reason unto himself for not attending. Sixteen declined signing the Constitution or left the convention before it was ready to be signed. Perhaps they did not get their way in every respect, so would not play. There were thirty-nine patriots who affixed their names to the Constitution. Little does the world know or care for the ten who did not attend the convention. Their names are but mentioned on the pages of history and there is no luster nor brilliancy to be found in them. The sixteen declining to sign the Constitution or who left the convention before the Constitution was ready to be signed likewise are but slightly known and with little or no reverence or veneration and the sooner history loses sight entirely of those who failed to attend the

convention or those who declined to sign or left before the document was ready for their signatures, the happier will be our people and less the shame and humiliation of their posterity. To the faithful thirty-nine who signed the Constitution and were loyal to the trust imposed in them, who with prophetic vision and a clear, sound understanding of the rights, privileges and obligations of mankind formed the Constitution of the United States, years will lend enchantment and romance will cluster about their names and they shall never be forgotten. A great framework or blueprint of government was established which has been the chart and compass for our voyage of state throughout the years and which shall indicate and point a chartered course for centuries yet unborn.

The First Amendment of Article I to the Constitution provides that Congress shall make no law respecting the establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech; or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances. These are considered the great privileges, benefits and blessings of a free, independent, liberty-loving democracy. Perhaps there are not many citizens of the United States who would be willing to die upon the field of honor for a particular religion or creed, just that alone, but there are untold millions who would be willing to make the supreme sacrifice that he or she and everyone should have the right to worship their God according to the dictates of their own conscience.

Second only to the personal, unalienable right to worship our Creator according to the dictates of our own conscience, is that of the freedom of speech. One of the great blessings given to us as a free and independent people is the right to peaceably assemble and petition the government for redress from any and every grievance. Thus it is to be noted that we have been nurtured and cradled upon the breast of an affectionate, protecting and shielding government, but today we are in the throes of a great warfare which shall perhaps test in the extreme whether a nation so conceived can endure, testing whether or not "government of the people, by the people and for the people" can survive and long perpetuate itself against the will of the tyrannical heel of the dictator.

Now that we are at war with the great enemies of democracy there should be but one national hope and ambition, that, the perpetuity of our government as presently constituted. To do this it will require a reconsecration of ourselves and our all to her defense.

Our profession is charged with the responsibility by reason of special training to lead the people into a full realization and appreciation of the great heritage that is ours and to fully enlighten them as to how easily we may lose the fruits of the past centuries. At a time when the responsible heads of our government were undertaking to negotiate with the accredited representatives of Japan and when we were doing so in all good faith, innocent and unoffending Americans, without any warning whatsoever, were assassinated. Every life lost is a foul murder and deserving of the

fullest punishment, and this punishment, however costly, must and most certainly will be administered.

Today — this very hour — our brothers and sons are occupying many strategic positions of great peril on land, on sea, and in the air, courageously baring their breasts to the savagery of the enemy, and have bade farewell, if such be their fate, to home, friends and loved ones. They have and are doing this with utter abandon. They have and are doing this without thought or regard to personal suffering, privation or hardship. It is the duty of this government and the task of the lawyer to preserve our institutions and to lend aid to the courts and the people in adequately punishing those who would betray the governmental and military secrets of our country or who would lend himself or herself to the promotion of the success of our enemies. There is no time for a divided loyalty. "He that gathereth not with me scattereth abroad." "Ye cannot serve two masters." Uncertain loyalty and love of country is equally infamous with that of the acknowledged traitor. There is no place for them in our great and beloved country. They should be driven from every responsible position of trust and confidence. There should be but a single impulse that motivates our every thought, act and deed. With unwavering confidence in the loyalty and devotion of the whole of our people and with steadfast conviction that our great profession shall continue its great leadership in governmental matters, I say that we can look with confidence to the future, and as has been said so appropriately in the past we can of today and tomorrow with equal delight joyously sing:

"My country, 'tis of thee,
Sweet land of liberty,
Of thee I sing;
Land where my fathers died,
Land of the pilgrim's pride,
From ev'ry mountain side,
Let freedom ring."

---

Following his address, President Currie introduced Mr. G. B. Cousins, Jr., of Biloxi, who made certain announcements on behalf of the entertainment committee and Judge Leon Hendrick, of Jackson, who announced the Ole Miss Law Alumni banquet.

President Currie then introduced Mr. George A. Wilson, a member of the Louisiana Bar, chief counsel of the Standard Oil of Louisiana and a former member of the faculty of the Tulane Law School, to deliver an address concerning the law of oil and gas. Mr. Wilson's address follows:

## PROPERTY RIGHTS AND THE LAW OF OIL AND GAS

George A. Wilson

I count it a very distinct privilege to be invited to address the fellow lawyers of another state in their annual meeting and take a great deal of

pleasure in bringing you the greetings of the Louisiana Bar on this occasion of your "Victory Program."

I will attempt to discuss with you a few matters relating to oil and gas laws. Oil and gas law is the term which has very broad application and boiled down to its essence it is about eighty or ninety per cent real property law and the balance of it some specialized matters relating mostly to the physical aspects of the attraction of hydrocarbon minerals, and, although I have lots of nerve, I would not attempt to discuss real property law to a group of Mississippi lawyers, coming as I do from Louisiana with its many peculiar laws, not so peculiar to us, but peculiar to all the lawyers of other states, growing out of our ancestry as they did. I will confine my remarks to some physical aspects of the production of those valuable and much sought after commodities and the application of some branches of the law.

The oil industry and the gas industry constitutes perhaps the second largest industry in this country. It is not only a large industry, furnishing a substantial portion of the income of our people in all walks of life, but it is an industry that forms one of the keystones to our national defense program. It was said shortly after the close of the last world war that the allied nations sailed to victory upon a sea of oil. I hope, and am confident, that in the near future it may likewise be said that we and our Allies have flown to victory on a cloud of 100-octane gasoline.

The oil industry is, with the exception of the automobile industry, one of the relatively baby industries in this country. It dates back about seventy years, from the time the first well was discovered in this country in Pennsylvania. At that time the utility of this new substance was not very well known or realized. It soon became valuable as the source of fuel oil and lighting oil, such as kerosene, but only with the advent of the automobile did it really become a major factor in our industrial life.

At the time most of the major producing areas in this country came into production, very little was known even by the geologists of those days concerning the physical factors which surrounded the accumulation of oil in particular places and the factors which permitted the recovery of those natural deposits. We still hear them commonly spoken of as oil pools, and it is still a common misconception that oil exists in large under-ground lakes or streams. No one even doubted that for a long period of years, so that when, by chance largely, a successful well was drilled and production secured, controversies arose concerning the ownership of that commodity and the ownership of the rights to exploit it. The courts were presented with many perplexing situations and had to decide one way or another between conflicting claims to interest in a common area when there, perforce, was no law anywhere on the subject which the court or the lawyers could turn to, and, due to the misapprehension that this new substance was a highly fugitive subterraneously mobile commodity, it seemed only reasonable to apply to it the law that related to other fugitive and highly mobile forms of property, such as wild animals.

Of course, everyone is familiar with the old principle ot wild animals belonging to whomsoever first succeeds in reducing them to possession and continues to exercise control. If he lets the animal escape from his control without fully domesticating it, it again belongs to whoever succeeds in reducing it to possession. That was applied to the right to reduce oil possessions. The courts early recognized that the owner's surface of the property overlying, or thought to overlie, petroleum deposits had the right as a property right to use the surface of his land to seek to reduce the fugitive to possession. They drilled, or they compelled their lessees to drill, along their property lines so that they could reduce to their possession as much as they could as quickly as they could before their neighbors could beat them to it. That resulted in the development of the law of capture which, of course, is elementary and is known to all of you.

Out of it soon grew some special doctrines fixing the cornering rights between the owners of the land and the venturesome souls who sought to spend their energy and their capital in searching for this elusive commodity, generally known as their lessees, because they hit upon that form of contractural arrangement between the owner of the land and the optimist who was willing to spend his money in reducing this new substance for contract of leases; that is as good a name as any other to call it. There are many aspects of the ordinary mining lease that do not fit very well, but, anyway, due to the development of the doctrine of law that no one owned the subterranean deposit unless he reduced it to possession and if he reduced it to possession he owned everything he could reduce to possession, whether from underneath his property or under the neighbor's, the lessees were soon confronted with litigation as to how many wells they should drill and where they should drill them in order to protect their lessor to the extent of securing for the lessor, and, incidentally, for himself, as much as he could. Out of that grew the doctrine of the implied obligation of the lessee to drill as many wells as were drilled on the surrounding lessees', plus maybe one or two more to keep his lessee fully protected, and there resulted a race of diligence depending on whose money held out the longest as to who wound up with the most wells, and, so far as was then known, the most oil.

Since those early days we have learned beyond a shadow of a doubt that there are certain immutable physical laws that relate to the circumstances under which the petroleum oils and gases accumulate in commercial quantities. In the first place, those substances accumulate only over a long period of time, geological time rather than historical time as we think of it. They are not replaceable as other natural resources, such as timberlands and trees, but they accumulate only where down deep in the rock underlying the earth's surface natural traps were formed which provided places for this substance to accumulate and places from which as it accumulated it could not escape. That factor must be present.

Now, contrary to the opinion some of you may have that it exists in lakes and pools and puddles down there, it does not. All of you are

familiar with the general term oil sand. Well, oil sand is sand stone; it is a stone of varied, or varying hardness and bears no resemblance to the nice beach out there, but it is more like building stone, that stone that is used for building structures. In the pores of that rock, or limestone, or whatever sort of rock it may be, the oil has accumulated over a long period of time and is held there under pressure, natural pressure, resulting from the weight of the overlying masses of rock and other material and resulting from the hydro-static forces of subterranean waters that usually occur in the lower regions of those semi-porous formations. A crude example would be this: you can take an ordinary bucket or tub and fill it up with marbles so solid you can stand on it and you could still pour into it quite a quantity of water or other liquid. You could fill it with beach sand and you could still pour in quite a bit of liquid. It would be absorbed, and if the bucket was not filled to too great a density we could pour out some of that liquid which we had put in and which was not entirely absorbed by the sand. That is what we have to do when we recover that oil from its natural deposits. We have to pour it out. Unfortunately, we can not lift it up and overturn it like we could the bucket; we have to rely on certain forces. It works that way.

Remember, I had as an initial proposition a trap. The oil can't get out until an avenue of escape is provided. If it could, it would have escaped many thousands of years ago, such for example as the asphalt beds that are found in some portions of the world that have resulted from the slow escape of the accumulated hydro-carbon, such as petroleum, and have oozed out so gradually that the lighter constituents have evaporated and left a residue forming an asphalt bed. That would be left only where the escape was quite slow. We will assume there has been no escape from this "oil pool" so far as we can discover in this hypothetical question and we drill a well down to a few thousand feet. As soon as that well penetrates the impervious structure on the top of the trap those natural forces that are pent up in that porous structure will drive a certain amount of that fluid that is there in between the pores and particles of the rock toward the place of escape, toward the well bore. If we let our well flow unrestrictedly, a certain amount of that oil will be brought to the surface through the expenditure of that pressure and energy that was pent up down there. So that is the way oil wells were produced, and, for a great many years, that was the only way. When it quit flowing of its own accord through the decline of this reservoir pressure, we then installed pumps and we pumped out a little more and when we could not get any more with the use of the pump, or not enough to pay the cost of pumping, then we abandoned the well and went to greener pastures.

The economics of the situation were about this: taking the average petroleum reservoir with unusually high reservoir energy and letting it flow through a sufficient number of wells — you can put in there just as many as you like, one to every two acres if you like—when it quits flowing there will still be left down in those subterranean rocks probably eighty per cent of the liquid that was there before we drilled the first well. In other words, if we recovered ten million barrels of oil from this particu-

lar reservoir just letting it flow as it would, it is a pretty safe bet that there is still down underneath another forty million barrels of oil that would be available if proper means of bringing it to the surface were either available or utilizable.

Now it is apparent, I think, to all of us that great waste occurs if we recover and utilize only such a small fraction of such a valuable and irreplaceable natural resource. The function of reservoir energy as a valuable property right, which is an intangible something but which functions as a valuable property right in a sense that if sufficiently harnessed and utilized it will bring to the surface, or permit us to bring to the surface, substantial additional quantities of petroleum, has only lately been appreciated. It works that way.

Assume another crude example. When we take a short length of pipe line — everyone knows that pipeline is a favorite method of transporting oil — assume that we take a short link of pipe line and we fill it up with our sand or marbles, or whatever you want to put in there, and leave the partly filled cone and seek to pump oil from one end to the other. It will take a great deal of energy or force to push that oil from one end of the, let us say, clogged up pipe line to the other end of it. That is substantially what occurs down in the rock formation. Our well has penetrated the trap, the pool, or whatever you please to term it, at one point. Obviously all of the oil in this immediate vicinity will soon be recovered. It would be a negligible quantity unless more oil moved into the area immediately surrounding our well bore. Well, it has to move laterally just as it would have to move through our pipe line that we filled up with marbles or sand, and there is the important, and most important, function of our natural reservoir energy; to move it to the well bore where it can be recovered. If we can get it into the well bore, even though we don't have enough pressure to lift it all the way to the surface, we can pump it out. But we can't pump it out unless we can move it to where the pump can get at it, and that is the well bore.

As a physical fact, petroleum accumulations usually occur in conjunction with so-called natural gas. The gas is lighter, of course, than the oil, and the pressure originally existent tends to force it into solution in the oil. They comingle. That gas in solution in the oil tends to reduce the viscosity of that oil—just like if you took some real thick syrup and mixed with it some real thin liquid it would become more mobile; the whole mixture would become thinner. This natural oil has just that effect of reducing the viscosity of the total mass and making it more mobile. Perhaps a better example would be if you took some heavy fuel oil. You know it would not work very well in the engine of your automobile because it could not move through the bearings sufficiently fast enough to keep it lubricated. You have to put something in it to thin it down. An even better example would be that in cold weather you know we can't use as thick an oil in our engine as we can in the hot summer time. We need to thin the oil in order to make it move faster. The gas in the crude oil in the ground acts as such a penetrating oil fuel and makes the whole mass

more mobile. In addition to that, in many petroleum reservoirs there is more gas present than the oil has absorbed; in other words, there is gas present in excess of the saturation limit and that gas will, of course, accumulate in the upper part of our porous structure because it is lighter than the oil.

Another physical phenomenon usually present is salt water. Now, for many years the utility of salt water was not appreciated by the oil industry. It was regarded as a great hazard, and if you drilled into salt water in any particular field you thought the jig was up, that the productivity of that field was limited. The salt water can play as important a part in contributing to our recovery of a maximum amount as the gas can if properly utilized. The reason that it is a very powerful source of reservoir energy is because that water is mobile and under that same pressure of the overlying formations and it hastens off wherever its source is so that it moves in the right line. The oil starts moving, then the water starts moving. Now the rate in which those three substances, gas, oil, and water, flow through our porous rock will vary and the gas will move faster. Anybody knows that gas will go through pores and cracks that oil will not go through. Similarly, the oil will move faster than the water will under normal circumstances because it is thinner and lighter than the water and the water gets there last.

The ideal condition is to utilize all of these forms of energy to the best advantage possible in recovering the maximum amount of petroleum. That requires an abandonment in most instances of the methods of operation which prevailed throughout the industry for many years. Throughout the early development of the industry, due to the necessity of the law of capture, each operator had to drill along the boundaries of his particular lease in order to catch the fugitive substance before it migrated over to a field located on the neighbor's lease. So that you have wells drilled along property and lease lines rather than drilled at the point over the underlying pressure from which point the highest recovery can be obtained.

Assuming that I have been accurately informed in this geology I have been giving you rather than law, which is rather hearsay from me as I am just an amateur program engineer, but assuming that my information is correct up to this point, it should be apparent that the proper place to drill those wells would be at positions on the reservoir which will permit the maximum utilization of our gas drive and our water drive in recovering the most oil that we can. It is likewise true that nobody can tell precisely in advance just what the reservoir condition is. We only know with fair certainty the condition after we have drilled a sufficient number of wells that we can correlate from one hole to another just what condition we encounter down there at the level of production. It might be 10,000 feet deep. Nobody can tell precisely what conditions exist 10,000 feet down under the surface of the ground until he has been there, constructively of course, through the medium of a well bore which has been sunk to that point and through the use of scientific instruments. But the

condition down there can be accurately determined with the aid of instruments now in existence.

Let us go a step further and say what the property rights are of the parties. As you gentlemen know, some of the oil producing states hold that the owners of the surface own the oil down underneath. The present fixed property right of Texas is a notable example of that line of thought; other states hold that you have through your ownership of the surface merely the right to use that surface for the purpose of conducting your exploratory operations. I understand that that latter position is the Mississippi view on the situation. In Louisiana, we have that view only one step further down the line from absolute ownership. We can not sever that surface ownership physically of the surface from the right to use the surface to look for the minerals underneath except for limited periods of time. In most of the states you can serve a permanent provision; in Louisiana it is a very limited period of time.

But I don't want to get you too far down in interesting by-paths on theories of mineral ownerships and places. That would take far longer than the time at my disposal today and your patience would not endure, but I simply want to make the point that that is only part of the property right involved, whether you are in Texas, Louisiana, or Mississippi, that right to use the surface to look for and to reduce to possession those minerals as part of the right. The other part is the right to use your fair share of that reservoir energy about which I have spoken in actually achieving your objective, recovering the oil. Now, in order that each property owner may utilize his fair share, the converse is apparent: that one owner should not be permitted to utilize vastly disproportionate quantities of the reservoir to the damage of the other people, just as simple as the old picket fence doctrine in the north, because if he dissipates his reservoir energy without commensurate gain to himself or anybody else, there is no justification for permitting him to kill the mutual goose that can lay the golden barrels of oil.

That sounds sort of communistic when we start talking about what one owner should or should not be permitted to do with his property, and let me say right here that I am a one hundred per cent rugged individualist so far as my ideas of private utilization of whatever your business enterprise is; I am all for each man paddling his canoe so long as he does not do affirmative harm to his neighbor without at least corresponding benefit to himself. I am enough of a rugged individualist to say if I do harm to anybody and get a corresponding return myself because of my superior location on this particular reservoir, I am fortunate and ought to be permitted to do it. But if I dissipate far more than my proportionate part of this reservoir of energy there without securing a material increase in benefit to myself, I submit that there is no justification for permitting me to continue that contract.

That is the basis of our modern laws relating to the administrative regulations of oil and gas production so-called conservation laws. It is not merely a private fight between me and my neighbors owning property

and mineral rights overlying this common pool. If it were, maybe we ought to apply the law of the jungle — the fellow who captures first O. K., every man for himself and the devil take the hindermost. But there is another interest in this and that is the interest of the sovereign, the interest of the sovereign state where this property is located in seeing that a valuable and irreplaceable natural resource is not too grossly wasted. There is a corresponding interest in the federal government to see that the petroleum reservations of the nation are not grossly mismanaged and wasted from the standpoint, not only of the national economy, but of the national defense. The police power of the several states is sufficient to sustain laws which will compel me and you and other owners of mineral property to develop these properties in a way consistent with the preservation of waste.

The earliest case in which leading courts first gave recognition to that principle was the case of the State versus the Ohio Oil Company, or the Indiana Case. It went to the Supreme Court of the United States about 1902 where that right was recognized and upheld by an opinion by Mr. Chief Justice Edward Douglas White. Since that time there have been many advancements made in both the laws and in the administrative machinery whereby this objective of waste preservation may be accomplished. Considerable efforts along those lines were made in a number of oil producing states prior to 1930 when Kansas and Oklahoma were the leading states, but it remained for the oil fields discovered after 1930 to really bring the issues to a head.

In the oil fields in Texas we had the wildcatter's paradise. There had been very little thought before the discovery well was found that any oil would be produced in that area. There were practically no lessees at all. Over night it was found that a tremendously rich petroleum deposit lay at a relatively shallow depth with easy drilling so there ensued a campaign of drilling, the like of which the world has never before seen and probably never will see again. I personally saw 25,000 wells completed in that field on a space of ground no larger than the platform on which I am standing. There ultimately have been drilled over 25,000 wells, 4,000 or 5,000 wells would have recovered more oil than the 25,000 wells will recover had those wells been drilled structurally correctly rather than along all the town lot lines and the various other property lines. There has ensued the economy waste readily calculable by multiplying 25,000 by the average cost of building a well, which is in the neighborhood of $15,000. I am not very quick on my feet with figures, but it runs into a good many millions of dollars utterly wasted in drilling those wells. There are additional millions and millions and millions of barrels of oil which would have been recovered with the 5,000 wells that could not be recovered with the 25,000 wells, which oil is lost forever.

It came about in this way. Salt water is present in these Texas fields — and I am not picking on Texas; it is because it is a perfect example of my thesis here this morning — salt water was present in the woodbine formations in plenty of quantities under heavy pressure. The drilling of wells and permitting those wells to flow at rates which did not permit the

salt water to move steadily and evenly behind the oil as it was withdrawn resulted in erratic encroachment of that water with the effect of by-passing and isolating bodies of soil so that now the water is on top of it and ahead of it and the pores of that rock have been filled with water, and the sand particles will absorb the water, become wet, and swell, and all the king's horses and all the king's men can not get the oil to go through the water saturated pores for anything even though, as an economic possibility, it were feasible to drill wells in these little trap spots of accumulation and provided, further, that we had such a fine devining rod that we could locate the exact place to drill — both of which are impossible. That is a sufficiently horrible example.

I will take another field as a horrible example of the waste of the gas industry. East Texas is a horrible example of the waste of water drive energy. Take the Rodessa Field north of Shreveport. There was not much water there. The principal reservoir energy medium was gas. There were abundant quantities of gas, but due to the practice of producing a structure that was not exactly horizontal and was on a pretty sharp angle or level, great quantities of the gas accumulated at the high end of the producing structure. Now those operators who were unfortunate enough to have leases solely on the principal gaseous portion of the structure drilled their wells, and in order to recover a barrel of oil, some of them had to realize contemporaneously as much as 60,000 cubic feet of gas for each barrel of oil. The solution ration in that field—in other words, the quantity of gas in solution with the oil—was about 900 cubic feet per barrel of oil. It is readily apparent, I think, that if an operator in the gaseous end of the field releases 60,000 cubic feet for each barrel of oil he brings to the surface whereas the operator down at the other end of the field releases only 1,000 cubic feet that our friend in the gaseous end of the field is using up the reservoir energy 60,000 times as inefficiently as the operator at the lower end.

There is only one total quantity of oil that can be recovered and there is only one initial total quantity of reservoir energy present that will help us recover it. If you continue to permit one operator to use sixty times his fair share of the reservoir energy in order to produce the same number of barrels per day, which is the next step in the vicious circle, in order to produce his two hundred barrels a day, or whatever it was, he will soon exhaust the reservoir energy before our properly operating friend in the other end of the field has had an opportunity to utilize anything like his fair share. The waste of gas in Rodessa in 1936 reached the peak of eight hundred million cubic feet a day. Now that is a terrific waste; it is a waste that could occur only in a country as prodigal with its natural resources as we, but it is a waste we can not permit to continue.

It all adds up to this: that there is as much a property right in the initially present reservoir energy in the pool in which you and I and three fellows own on the surface as there is a property right in our respective fence boundaries, and the only way that those rights as between all of the co-owners can be properly protected is by a system of govern-

mental control that will permit each of us to have an opportunity, a fair and reasonable opportunity, to use his proportion or part of the gross quantity that is available there. It can not be done with exact precision, everybody realizes that, but it can be done with greater precision than a ratio of sixty to one as was present in the last example I mentioned.

Those are extremes, but they are by no means unique. Such conditions exist in all fields where there is a multiplicity of ownership unless those fields are operated on sound conservative lines. That can be done only through the assistance of police power of the state because we Americans are, and I am glad of it, still sufficiently rugged individualists that it is hard for us to go into a deal with all the other fellows in the neighborhood because each one of us thinks that if let alone I will get just a little better bargain, and there is no reason why I should chip in and help that fellow. We like to talk big about being good neighbors, but if you have seen the neighborly people wake up one morning to the realization or the hope that they have an oil field as I have seen them you will see how quickly rugged individualism rears in their heads and cooperation is out of the window for a while. We need the strong arm of guidance — and I don't mean any more than guidance; I would be the last person in this room to advocate dictatorial control—but if the individuals have honest and intelligent guidance through our own state agencies and our own state laws, we can work out and continue a system of conservative exploitation of natural petroleum resources. That is the only way that we can in a measure recoup the great losses that have occurred.

Let me bring to your attention one more phase of the proposition. Doubtless all of you have read in the newspapers, and other places sometimes, of the known petroleum reserves of this country. They vary between twenty and twenty-six billion barrels of oil — our known reserve at this time. You also have read that our average annual rate of consumption is in the neighborhood of a billion and a half barrels. Well, it is simple arithmetic: you say that we already have twelve to fifteen years' supply. It does not work that way. In order to recover and reduce to possession and utilize the entirety of those reserves, that recovery effort must take place over a long period of years, thirty or forty years. So unless we do two things, unless we continue to discover additional reserves, and unless we conserve those reserves that we now have through the proper methods of production, not only will every land owner, every royalty owner be the substantial loser, but the national security will be imperiled.

It is the function of the organization to which I am devoting my time now, the Petroleum Coordinator for War, to see that we have a plenteous supply of all petroleum products needed for the war effort: the 100 octane gasoline, the Navy's special fuel oil, the T.N.T. which now is made directly from petroleum. During the last war our only source of T.N.T. was the coal tar industry. At the present time the entire coal tar industry could not provide one-third of our requirements of T.N.T. at the present level of armament of this country. It must come from petroleum refinement. Our synthetic rubber must come from our petroleum refineries, and I

am happy to report that not a single ship to date has failed to sail on schedule, or a single air plane, for want of bounteous supplies of 100 octane gasoline, a valuable supply of navy special fuel oil. And more than that, our T.N.T. production is just about to keep a few jumps ahead of the steel industry's ability to make sacks to bottle it up in for delivery to our enemies. If that is to continue, we must assure ourselves of a continued supply, adequate for all purposes, not for this year, but for all the rest of the years — may they be few — of this current war and for the time to come.

I would simply like to close by leaving with you the thought that Mississippi is one of the potentially great oil producing states. To date you have only one major field. It has not had the benefit of a conservative scheme of operation and production. Large quantities of petroleum which could have been recovered in Tinsley will never be recovered because efficient utilization, the most efficient utilization, has not been made of its natural efficient reservoir energy. The pony is partly out of the stable, but we hope that there will be many more ponies in the form of additional fields in the state and every lawyer knows that the most potent source of new and remedial legislation is with the organized bar, and I would simply like to leave with you the plea that you give some thought to sponsoring some legislation in Mississippi which would make more certain the efficient utilization of your natural resources in this state.

Now, I want it to be clear that I am not speaking as a federal official, or any other sort of official on that: I am just speaking as one lawyer to a group of lawyers about something I know will mean great benefit to you and to your state if it can be done; benefits to the land owners because every time additional barrels of oil are recovered the land royalty owner profits. The operators can move to greener pastures but in known instances that is the last chance the land owner ever gets to realize on the natural wealth he might have realized on. It is to their advantage as it is to the advantage of all the landowners, to the advantage of all the lawyers, and to the advantage of the state and the nation in this new property right that I have spoken of today, the correlative rights of all the owners of common accumulations of oil and gas to see that each one has a fair and equal opportunity to recover the maximum amount of oil that is present.

---

President Currie then introduced the next speaker, Judge Camille Kelley, of the Juvenile Court of the City of Memphis. After responding graciously to the introduction, Judge Kelley delivered the following address:

## OUR CHILDREN IN A WORLD AT WAR

CAMILLE KELLEY

I realize what my obligation is to this very serious subject, "Our Children in a world at War." I want to tell you that there are several

things we should turn our attention toward. For instance, the rearing of children is the most complicated and interesting thing in the world. I think children unfold in your fingers, and sometimes I think goodness is harder to live with than badness unless it is a rare and real goodness. I think the righteous parent or restrictive teacher sometimes pushes the child out of line instead of putting him in line. If all of us could go to sleep and wake up in the morning, plain, simple, honest the world would be set in order.

Mr. Wilson, who spoke before me, gave me many new angles and some remarkable ideas about child welfare because when he spoke about lighter oils and gases, I thought of how necessary it is to "trip the light fantastic" with the temperament of a child and unfold that child according to his type. He also said you couldn't use heavy oil unless you get it in reach and bring it out where it mingles with the lighter substance.

Now, I have never let the law down. I have never failed to respect the law, but I will tell you where I think our greatest trouble with young delinquents expresses itself right now. I think we treat delinquents very carelessly even where we have adequate courts. Just day before yesterday I had a little meeting with an ex-convict. I tried this boy when he was just about to get over the line from my jurisdiction, which is, on the first offense, up to seventeen, and, if I gain jurisdiction before the child reaches seventeen, I can retain that jurisdiction to the age of twenty-one. This boy was brought to me for theft. I had only one opportunity to work with him. He was too old, the time was too short, and the association was too limited for me to unfold this boy and give him a new morale of thinking and a new atmosphere of living, but I did have an opportunity to gain his confidence and his affection. I sent him to the State Training School in Tennessee, a reform school, but I did not lose him there. I tried to "sort of" hold a friendship with him. He was not a good boy; he was not a handsome boy. It is not hard to take a great, big, handsome, athletic boy and love him, but to take a deep interest in a scrawny, wild cat boy, is quite another thing. I wrote down the phrase—"a wild catter's paradise"—which was used by the other speaker. That is where I have been for a number of years. I love the wild catter, the tempestuous, turbulent boy, and I love even the unattractive boy. If you reform a little old tame, placid boy or girl you have to cart him around in a wheel-barrow the rest of his life, but if you take a wild cat, surging and pulling at the bits and make him want to get somewhere, teach him to enjoy doing something well, he can take the world in his stride. If they are good looking and do something they shouldn't, you say, "Bless his heart, it is just the error of a child", and he gets by, but this little scrawny, unattractive boy was doomed. He came back from the reform school; he left the State of Tennessee, got in trouble with the law, and was put in the penitentiary. He was really sick, mentally and physically.

I wish I had the time to tell you all the steps with that boy, but I haven't. I simply want to give you one little thought in dealing with the case. I gained his confidence and his affection. I had made no inroad at

all upon his principles or morals. This would have taken much time. He was still dishonest; he would steal anything he could find. So an incident happened that I think will make you a part of this week's conversation with him. First, we will go back a bit. Every time he would come to Memphis between getting into penitentiaries, he would come to see me. He was very fond of me; he didn't know much about what I represented, but I was a friendly person and that was all he cared.

So one day this anemic looking little fellow came to see me and I was out. The door was open to my office; my secretary was in an adjoining office. He sat down in my private office; he saw on my desk a very charming and attractive electric clock made of cream colored enamel of some kind that one of my sons had given me. He quietly slipped to the desk, unfastened it, and put it under his coat and told the secretary he would be back and see the Judge in a few minutes. As he went out, I drove into the yard. My chauffeur saw the boy with something under his coat. He was heading up the street, so the chauffeur followed him, without notice, to see where he was going and what he had under his coat. The boy hid the clock in the trunk of an old rotten tree and started back to visit the Judge. My chauffeur got the clock and returned it to the Court. A great big Irish-American detective came in — I wish we had thirty minutes to talk about the psychology of policemen. They are the most interesting people in the world, and I think policemen are perfectly splendid. The only thing is that they are ashamed of being good instead of being ashamed of being bad, but if you just take that into consideration, you will appreciate them. They also prefer to walk like prize fighters. But those are just a few little under currents; and after you accustom yourself to them you don't let them interfere with the straight lines of a good officer's character. Anyway, that blond detective came in to see me, feeling his power with every step.

I didn't know the clock was gone. The detective saw the boy and said, "He's a con — he's a con" (meaning a convict). "I've been looking for him. I want to question him." That scrawny, ugly little boy looked at me and said, "Judge, help me."

"Wait a minute, son," I answered. "It is perfectly normal and right when a boy has violated the code and has a record and something happens, that the police should question him first. This is for the protection of society. Go with him and if you haven't done anything wrong, he will bring you back to me."

He put the boy in the patrol wagon and about this time my chauffeur came with the clock. I was stunned. The detective looked at me and his eyes said, "Just like a woman, so sentimental, so full of love, and she thought that terrible convict was just a sweet little boy."

Aloud he said, "He even stole your clock and you think he is fond of you. Judge, if you prosecute him, we can give him five years in the penitentiary, and if you don't we can't give him but seventy-five days in the workhouse."

I answered, "If all the penitentiaries are like those I have seen, five years in the penitentiary will not make a man out of him, and if all the workhouses are as nice as the one in Shelby County, it might make him stop and think. And besides, I got my clock back, and unless the judge insists, I will not prosecute." They gave him seventy-five days in the workhouse.

About forty-five days later I had a phone call. Now I am a woman, and a Southern woman, and I have no apologies to make for my fervor, my sentiment, my idealism, or for my vanity. I think a woman with no vanity should be shot at sunrise. I have no patience with women who go into the professional world and just turn a hand spring and become a man over night. Even if she does go into public life, she must stay all woman. I definitely feel that in my Juvenile Court being a woman gives me influence on the softer side—that "lighter oil" that blends with the law. Now, I will confess that one of my soft spots and chief enjoyments is to talk over the long distance phone. If you want me to do something and you think I am hesitant, just call me over long distance. I can feel myself slipping immediately because I just adore long distance telephone messages. Perhaps it is just woman's curiosity. Of course, curiosity in women, is just plain curiosity; in men, it is scientific research. I always want to know who is calling and how much it costs. And between my economic sense, my sense of curiosity, and my vanity over having been called over long distance, I got a big thrill.

But I don't really like collect calls nearly so well—and this was a collect call. It was from Batesville, Arkansas, and this boy was calling and he said, "Judge——" I realized it hadn't been seventy-five days, and said, "Son, it hasn't been seventy-five days, why aren't you in the work house?" He said, "I know it, Judge, but, Judge, I can't sleep, I can't live, I can't stand it. I ran away, Judge. I know you are the law and you will turn me over to the work house, but I ran away anyway. I had to come, but I called you the first minute I could. It's about your clock, Judge." "Yes, my clock, Son, I have been here so many years and left my door open and not a single boy or girl has ever lifted a single thing off my desk or out of my office. Why did you take my clock?" The psychology of it puzzled me. He said, "But, Judge, you don't understand. I didn't know it was *your* clock; I thought it was the City's clock." He had no compunction about taking the City's clock, but he had a personal affection for me. He didn't want to harm me. He stole the clock because he wanted the clock. Who cares what clock? He had learned to live by his wits.

At that moment, I realized that I had fastened a hold on that dangerous man, a man who would rob you, rob society of its security, a man who would hold you up on the street corner. And yet, I had a hold through confidence and affection. So I wondered what I could do. He said, "Judge, if I come back, if I serve my term in that workhouse, if I prove to you I am ashamed of stealing your clock, will you believe that some of the things are true about me that you believed in the beginning?" "Yes, son, but I don't want to send for you. Work it out yourself and then come back to me. I want to talk to you." "Yes, Judge."

A few months later—I am jumping along because there are so many things besides the clock to say to you. A few months later, he called me from Kansas City—and he didn't call me collect, either. "Judge, I am ready to come back and serve my time. I got your letter. Judge, you never wrote me a letter until you believed in me at least a little bit and I have written you five letters." In that last letter he said that he would come back and serve his time out at the workhouse.

I wish I could tell you this story step by step, but for the past four or five years that boy has not violated any laws. That is what brings challenge and lays it at the feet of the legislators and lawyers and law-makers and the women and men of America. What shall we do with these offenders? I had pulled that little ragged boy through, who had no ideals, no family, no background of Christian education or stability, no training at his mother's knee, no forming of good habits—and good habits are as hard to break as bad habits. I brought him through to a consciousness of honesty and he began to work, to think, to live!

He got a job, but the minute they found out he had a record they fired him. You can't blame them. They didn't want a thief working for them, and they couldn't see inside of him. Not long ago, after he had stablized himself completely, he got a job up in the country. A few days later thay found the man working next to him with a pistol in his pocket. When asked what in the world he was doing working with a pistol, the man said, "I have found out that the man next to me is an ex-convict, so I am carrying a gun."

Now, crime is bad, terribly bad, but stupidity is just about as hard to deal with as lawlessness. I don't mean sub-normal people, I mean normal people who don't use all the lobes of their brain and just jump off the deep end. They didn't fire the man with the gun, but they fired the ex-convict who was trying hard to make a come-back. It was common labor—they should have talked to both of them.

Now, jumping quickly to last week. I had written the story of the clock in a book just published. The other day a tap came at my door. This funny little old boy, his hands blistered from labor, came in, and he said, "Judge, I am going to Pearl Harbor. I have a chance to get there and rub out that old record and get people to stop looking down on me. If I don't get there, perhaps I can get into a hospital for the criminally insane and work there where they will look up to me. I promise to be kind to those poor devils if the officials will give me a chance. I am so tired, and I have tried for four or five years, and there is not a solid particle of ground under my feet." He saw my book on the desk, his eyes brightened and he said: "Judge, did you put me in your book?" I said, "Yes, son, I surely did put you in my book." People just want to have themselves expressed whether it is good or bad. This boy had just as soon be the head of a gang as the leader of the group, but he must have the spotlight.

He said, "Did you really put me in your book?" "Yes, I put the

clock story in the book." And he said, "Read it to me, Judge." While I was reading his own little story to him, the tears were dropping on the front of his shirt. The next day he went to the draft board. They looked into it carefully, but they couldn't take him. And you and I know they were right.

Just two days ago, I called the Warden at Brushy Mountain and asked, "Could you take care of a boy who can't live outside the walls? Will you give him a small pittance of money and a little place to put his feet on solid ground and a chance to serve somewhere in this world, or else will you advise that we chloroform him? Take your choice." He said, "Judge, what is the matter with you?" You know men don't understand women when they get excited. Men are terrified. And really, it is a dangerous situation because not only is it true that men don't know what we are going to do, but we don't either. I said, "You know what I have wanted you to do in the penitentiaries and around the camps."

Friends, I am telling you this story, so that we may work out a solution to one of the greatest dangers that besets society. We ought to have a place where there is at least a meager salary paid to the men who have absolutely wrecked the garment of their citizenship, spoiled their characters in such a way that they are not permitted (even though very justly) to fit into your business or mine, or to handle your money or mine. You don't know when the memory — which is a very peculiar thing and runs always through the back of a person's thinking — will challenge personal behavior, and you don't know when the repetition of an old story will throw one off balance. I told the Warden: "This broken man is willing to work for $30.00 a month and go inside of any wall and be searched every time he goes in and every time he goes out." He said he thought it was a grand idea, and he gave him the job, but not inside of walls exactly. Perhaps he did it largely to keep me quiet—and it is hard to keep a woman quiet—but we rescued this man for himself and society.

I didn't intend to tell that story, but as I sat there I was thinking of the power that sits in this room. And what do we do with young offenders? When a child is a baby, the first thing we do is to buy him a toy pistol, then an air rifle. When he get a little bigger, we make him a present of a Winchester rifle, and then when he uses it, we have him arrested for "shooting in the city limits". There are three purposes, as I see it, for a gun. One is defense—Natioanl Defense, God bless it! The next is, of course, protection against lawlessness, or the use of arms by the police, and the third is hunting or the use of guns in sports. But no little boy as big as a postage stamp has any business to learn how to pop a gun before he learns any of the other relative values of life. I was walking down the street the other day and a little boy ran up to me and pulled a toy pistol. It was just a toy pistol, but it startled me, for in the first place, I'm afraid of a gun—and the times are too violent and full of stress—and I just felt like I was being held up. You know we are all so excited that we are just three jumps ahead of a fit; we are so nervous we are ready to scream. Nevertheless, we have to take loose-jointed

people, who have not fitted into society, and work out ways and means to save them if we are going to preserve order, and if we are going to safeguard all of our resources.

My dear friends, why don't we realize that our greatest resource is the blood stream of the young, and that we are wasting it, not in war, but on the home front. It is at nineteen years of age that the most arrests occur in the United States of America. Figures given by a psychiatrist of New York show that eight out of one hundred school children are problem children, and that five of that eight could be saved if they were properly and socially handled. A commentator from London has told us that juvenile delinquency increased fifty-nine per cent in the last war and has already increased forty-one per cent in this war. However, he points out that there is a strange new angle to be considered; that is, in this war, it is not the "teen" age boy who is giving most of the trouble, it is the boy a little younger. The fact that the older boy is getting a thought of patriotism and service and is not giving trouble in England, shows you that if we put into the hands of the young some means of expression, we will avert much trouble. It is so necessary for every one to have some means of expression.

I want to bring you back to the thought of expression, which is one of the two important things in dealing with our children at this moment, in a world of war. Of course, the very first thing, though I will discuss it last, is morale. But the necessity of intelligent expression must be emphasized. It is so important that we find out what a person can do and help him to do it well, if it is nothing but counting bricks. We must use our human resources. I wrote down what the previous speaker said about oil resources, so it wouldn't get away from me. That really was a marvelous and informative address. I am going to have to make at least three speeches to get his speech out of my system. Five of the things about which he spoke I want to compare with children: power, force, pressure, energy, and drive.

I see power and talent oozing, just like thick oil, out of the hearts and minds of beautiful children. I saw an exquisite girl day before yesterday; she was without hope, without a real sense of modesty, but as pretty as a doll, with rich, curly, chestnut hair and brown eyes. She was walking in the direction of fire, and she would have touched an electric current, either good or bad. I thought surely there is something that can be done about this and I took the girl and put her in a place of safety. Expression is important and she will find expression one way or another. Expression! Everybody seeks expression: You men sitting here have or desire expression. It is easy to show you what we mean when we talk about expression and morale and training, but what we really want to know is what is the cure for erroneous expression.

I always believe that the remedy next to honesty for all ills is a study of citizenship in relation to government, and—if I might use a very dangerous and misunderstood word, dropping at the same time a bomb in this peaceful meeting, may I say—the study of Politics. Remem-

ber, I am not running for office in this state, and I never have made a speech for myself in my life. In Memphis I have run five times without opposition; therefore I know nothing about individual politics. However, I have tried forty thousand cases of human behavior and have seen boys and girls grow into intelligent manhood and womanhood and later bring their own children to me for guidance. I have lived very close to people of all types, and I think politics should be studied by everyone and especially by Americans.

We are in an international conflict and what we want to save is the morale of these young children, save them from the impact of war. They are moving fast. Some are too young to understand the war, but they can turn on the radio and hear history as it is being written into the book of today's life experience.

They are reading history as it is being enacted. The young child is getting the impact of modern living and adventure and entertainment with music and laughter and tears and also often with self indulgence and lack of control. There is a danger about all of this, and you and I are supposed to safeguard them against the impact of war.

How will we be able to do this unless we have a specific picture of government, as it relates to the individual and the home? You might say it is because I live in Shelby County, Tennessee, that I am politically conscious. All of our social workers are politicians and all of our politicians are social workers in Shelby County. Perhaps that is the answer. I don't know whether all of you are politicians, or whether you send us the best you have, but many of our finest citizens are from Mississippi.

Webster says, "Politics is the science and art of government." If we had learned the "science and art of government" twenty years ago, following the last war, we might not be in this war today. We should have learned instead of hiding our head in the sand whenever anyone said "politics" to sit up and take notice. A school teacher asked me once why they didn't take politics out of schools, and I said, "Listen, you just try to take politics out of a missionary society and you are doing well, much less out of government.

The school teacher continued, "Well, I thought you were going to Nashville to talk to the State Legislature and that maybe——" "Yes, I am going to speak to the Legislature to try to get a better marriage bill to safeguard our children. That is all I want. What do you want?" She wanted Education Legislation, but she didn't vote. Think of the inconsistency.

When I was first Judge, I went to the Tennessee Industrial School, the first institution I had ever seen, and it was very lovely and good looking on the outside. The Governor was a nice looking man and really a good man. I think we ought to see to it if they are not good looking that they should do the best they can to be splendid in behavior and appearance, because our governors do represent us. He was a mighty nice man, but

he knew very little about his industrial school. When I visited there I found that there wasn't a spring on a bed in the institution. To the young politician who had escorted me I said, "Who has power over children's institutions?" I was young and terrified at what I saw. He said, "Governors and legislators."

In that dormitory where I saw seven hundred children eating macaroni and sleeping on beds without springs, I closed my eyes and said, "I offer up a solemn prayer today that as long as I shall live, I shall be interested in 'governors and legislators', for there the seat of power is—power to be used for the care and education of dependent and hurt little children."

Women bear children, they do not bear arms.

They go down through the valley of the shadow of death to give them life and teach them their first prayers. You men work to support them and educate them, and then we dare to bruise them mentally and physically. Our institutions are getting steadily better, and the improvements are being brought about by the stimulating campaign which is being carried on for that purpose.

I took dinner with the Governor and his wife the same day I visited the industrial School but I couldn't eat. The Governor asked me what was the matter, and I said, "I am so full of macaroni I am about to die." He was alarmed and said that the primaries were right in front of him. To myself I said, "So primaries are what make governors sit up and take notice." To the Governor I said, "Go into that Institution with healing in your wings and I will meet you at the Primaries with the women of the State. Women are interested in anything that is for the preservation of children. Everything they touch is purified and elevated, and good women's influence will flow over the earth as the rush of many waters. Their first interest is the safety of children."

You know, there is one funny thing about Governors—I never met one yet who didn't immediately invite me to go to the penitentiary, and I never saw a penitentiary in my life that any Governor ought to be proud of. I would love to tell you some of my experiences along this line, but I want to show you where I formed my political beliefs and why I began to pursue a political life.

I found many charming and interesting people in politics so I studied it and blended my welfare and my political thinking. The officials at home have given me a beautiful $125,000 building for our Juvenile Court and Detention Quarters for the protection of children. You and I owe much to our children. We can't sit here and go to the legislature and walk in and walk out and talk about property lines and bricks and stone and soil — remember one bomb will destroy all that we have done; one bomb, and this is, in a measure, a propaganda war. Do you realize that the propaganda ministers have done as much harm as bombs? Words are so effective. Our thinking and our words make our laws and our behavior.

Coming back to expression, let's take politics in its relation to child welfare and let's study our institutions. Let's make a plan for the boys and the girls who have broken loose and try to get them into some line of service in accordance with their mental and physical capacity and fit them in, where they will receive meager earnings, and let them have some means of expression. You know, young children are thrown against so many tides that are emotional and all day long they go through this and that and the other activity. There is a sort of dynamite in boys, men, to—I never have seen a grown one yet. There is a stream of fire that runs through them, and it is the magnificent fire of much courage and character.

I want to tell you another story. When a great power or impact terrifies a man and a woman there is a difference in reaction. It is not a fundamental difference, but a difference resulting from habit and training. Facetiously, I might say that a woman winds and unwinds, and a man blows up and bursts. That in a sense, is true. You men, sitting here on a hot day, will love me the rest of your lives if you will remember this one thing, because it will give you an edge on the psychological handling of wife, mother, sister, or sweetheart, as the case may be. Women wind and unwind, and we have to wind in our own way. We have had to wheedle our way over a period of years, and as women are not very much of the surrendering type, we had to "ooze" our way. But what I want you to remember is this: when a woman starts she doesn't start with a boom. She says "zzzzzz." and then she says "ZZZZZZZZ". Remember, don't say a word when she starts up; she will be coming down in a minute — you will be grateful to me for this advice. Don't say a word and don't get your hat and leave, because while you are gone she might recharge her batteries and blow up the house. Just don't try to attack her in flight. Wait until she lights, and she is the sweetest, the most adorable, the most listening person in the world; if you wait until she settles down, she will give thought to what you are saying.

I had that illustrated to me. A man (they don't let me try women) came in with his wife; he was the best looking boy — big, intelligent, and proud; she had her eye blacked down to here. I said, "Did you hit your wife in the eye?" "Yes, Judge, but may I tell you how it happened, please, Judge? I came home after I had been working hard and it was dark in the house and I crept in the room in the dark and felt for my chair. I fell over the bed. My wife, hearing the confusion, came in and turned on the lights and I said, 'Where is everything?' She said, 'Oh, I just moved the furniture around today.' And, Judge, I said 'You just tried to kill me. I was mad and I slapped her. But may I ask you one thing, Judge? Do you think a woman has any right to move everything a man holds dear while he is off at work and put it where he can't find it?" "No, son, I don't." And I said, "Do you love her?" "Yes, Judge, I sure do love her, and I ain't going to hit her any more, but sometimes she is an awful trial." "Well, aren't you afraid you might do it again when you get mad some day and blow up and hurt that little wife?" "Judge, do you see

this fist? If I ever get so mad that I blow up, I am going to bust it into the wall and tear it all to pieces." Expression! Everyone has to have it.

You have the privilege of expression. You go hunting and fishing under the skies. Men love to go to wrestling matches and watch the wrestlers pull each others arms and legs off, or to see who is the better boxer. I went to a boxing match once, but I cannot "take it". And when men go hunting they think they have a wonderful time in the quick sand, mud, and climbing over barbed wire. Men have worn the same kind of clothes ever since I can remember, and they tie a string around the waist and a string arount the neck, put on a coat and call it a summer costume and put on their old clothes, turn up their hats in front, and go through an endurance test. All of this is expression.

My son came in the other night looking like a wreck from the war bringing with him one pitiful little rabbit. He said, "Mother, I had a wonderful time." "Yes, darling, you look it. I will fix you a hot bath immediately. What else will you have?" and holding out his catch he said, "Mother, do you know anybody who likes rabbits?" Expression! Yes it helps, but we take it differently.

There is just this last story I have to tell you, but I want to illustrate morale and I couldn't leave without saying this to the fathers of our children, and also to you women who know what it means to make a home in the South, the most beautiful section in the country. I know the United States is good all the way through. I said the other day that I must have a loving spirit because I even love Republicans if they are good Americans. I just love folks. I love Democrats and Republicans and all America. But the people South of the Mason-Dixon Line are my favorites. We believe so fervently and so completely in ideals.

This is a magnificent illustration of morale — the last point of our subject. Once I went up in an air plane from one great city to another. I have been in air planes dozens and dozens of times, but this was the first time I had gone from one section of the country to another. I got up in that plane — and I won't tell this as I usually do because time is so short — but I got up there and I saw the earth as a quilted garment on one side and the river stretched as a silver thread on the other. I was going forward a hundred miles an hour. It was a sedan plane and the wind was not hitting us in the face and we were not passing anything so I didn't realize the speed, but in a few minutes I felt so sick I was almost dead. I just thought I couldn't stand it. I then thought if I could just find something standing still. But everything seemed to be moving. At last my eyes fell on the base of the pilot's seat; I glued my eyes to it and I began to get my balance and I realized that it steadied me. I would peep over the side and then back to the pilot's seat, and in that way I kept my balance pretty well.

Everybody who knows me knows that I never took a social drink in my life; I never needed any pepping up, I needed quieting down. But when I got out of that ship at the airport, I was walking like I was

walking in plow rows. My friends, not being able to understand my staggering and fearing that I was going to ruin my reputation, exclaimed, "Judge!" I made it worse by lisping, "I have a wonderful idea! I didn't drink it — I experienced it. Wait a minute." I stood there in my physical body but illuminated in my soul. I had found a great principle illustrated, one which will go with me as long as I live.

These modern children are flying through space. They are going forward with modern inventions. They have a three-way education: the academic, the radio, and the motion picture; everything that makes life fast, furious, entertaining and that makes for achievement. The base of that pilot's seat represents expert training, religion, and restraint. We need spiritual underpinnings, something outside of ourselves which we can tie to and upon which we can rely. The Radio is history in the making; and when a child goes to the motion picture theater and they turn on the fast motion, he sees life whizz by with all its modern color, drama and effects. You have to have a balance or a base represented by something abiding and true.

I personally love the motion pictures. I don't want to turn the pages back, but anything that can give me apple blossoms in the winter time, roll the ocean at my feet, and give me the thrill of romance at middle age without any personal inconvenience is a wonderful industry. Romance is the star player of the universe. I don't want to put anything evil in life's dream or flight, but these children of God must have something to steady themselves in this age of speed.

Now, I leave you with the American flag floating over you. We must fill the air with patriotism and feel the power of living the right sort of life as Americans. I was asked by the American Legion to go down to a negro church meeting and make them a speech on patriotism. He said there was a lot of fifth column work being attempted in that section. These colored people are very fond of me and the American Legion thought I might be able to stir their feelings of loyalty to their country. As we drove up I said to my chauffeur, "Come back in an hour, John." He thought that the whole thing would break up in a fight so he stayed to protect me. I think he was almost sorry it didn't break up in a fight, as he had planned everything out so well. In making the speech, I told those people they had harmony and music in talent, and that Memphis gave them free text books, though they didn't pay enough taxes to take care of the expense, that the white man had to supplement it, and that there was a mutual interest, and I brought them up one thought at a time and tried to explain the mutual and combined interests necessary for our civil rights.

The negroes began to sway and I to enjoy it, and I began to want to swing with the audience. Every now and then they would sway and say "Amen". When I finished and they were applauding, the strangest thing happened. A woman, her head as white as a cotton boll, deliberately popped her head against the side of the wall and said, "Whoopee!" I

thought, "I wonder if this is how the fifth columnists start," and at that moment a negro minister, trembling like a leaf, came up and said, "Judge Kelley, we try to wait 'til the white folks get away before we shouts, but you have made us realize we have responsibility to our country and our home, and we can't wait no longer, Judge, we got to shout. Shout, sisters, shout!" I don't believe I ever saw anything like that in my life. One little sister got up and gathered up her skirt and said, "I got to dance. I got to dance!" I felt like picking up my skirt and saying, "I got to dance, too, I got to dance too!"

When I left I said to my chauffeur, "John, did you see any fifth columnist stuff in that church?" He said, "Lord, Judge, when you got through making those folks realize they was Americans, there wasn't a fifth column termite in the sills of that church."

We must not allow a termite of false thinking in the structure of our being. We must not find fault or use careless words if we expect to preserve children and their morale.

This flag as it waves reminds me of a wonderful experience. A woman once brought me an American flag that was tattered and torn, and she said: "Judge, I brought you this Flag. I have just come back from London, England, a city that was blacked out at night. I got on the U.S.S. Manhattan and started to America, and while in the midst of the ocean, I heard the voice of our President and the National Anthem over the radio. We stood at attention with tears in our eyes and prayers on our lips. All the way across, this Flag was on the bow of the boat with a flood light upon it. I saw the wind whip it to shreds; I saw the smoke of the engine soil the white of the stripes. When I got to this side, I went to say the Oath of Allegiance to the Flag. The Captain came behind me and said, 'You may have that Flag if you will give it to someone who really appreciates the Stars and Stripes and will love it.' Judge, I brought it to you—our children's Judge." I took it in my arms, it seemed to breathe and come to life. I said, "Thank God for the privilege of living in a country where we can meet together and enjoy freedom of speech, freedom of the press, and freedom of religion." We must keep our balance. Don't find fault with America or her Allies. That very day, with the Flag in my arms, I turned to my desk and found this little poem written by Grace Noll Crowell, a Southern woman:

So long as there are homes to which men turn
At close of day,
So long as there are homes where children are,
And women stay;
If love and loyalty and faith be found
Across these sills,
A stricken nation can recover
From its gravest ills.

So long as there are homes where fires burn,
And there is bread,

So long as there are homes where lamps are lit
And prayers are said;
Although a people falter through the dark
And nations grope;
With God Himself back of these little hopes,
We have sure hope.

God save our children in a world at war!

---

## AFTERNOON SESSION, JUNE 11, 1942

The meeting was called to order by President Currie, who called upon Mr. R. M. Kelly, of Vicksburg, for a report of the Committee on Co-ordination or Admission to the Bar. Mr. Kelly's statements follow:

MR. KELLY:

Judge Kelley's address touched upon a subject which should be most seriously considered by bench and bar of America; a subject which I have repeatedly discussed before local, district and state bar meetings, to-wit: *Our treatment of criminals.* One of the greatest crimes of society today is its treatment of men and women, charged with and convicted of offenses against the law.

There is being turned out from our jails, our penitentiaries, reformatories and other penal institutions every day an army of men and women who, by reason of the treatment they received while in the "hands of the law" are ever thereafter hostile, defiant, sworn enemies of society and our government. It is recorded that at least on one occasion, as a means of punishment for infraction of prison rules eight defendants were roasted alive. If the expenditure of billions of dollars by our government and all the eforts made by lovers of right and justice to bring back and restore offenders to society better men and better women is to be of any avail, then the authorities in charge, from the moment the law lays its hand on an offender to the time of his discharge, should be of the kindest and the best. All means should be exerted to reform. No man is the equal of the man he mistreats or abuses — If this is an evil, what can and will the bar do to correct it?

But I have been asked to discuss the subject of "admissions to the bar." Section 3683 — Code 1930 — prescribes the qualifications for admission to the Bar, as follows:

"The applicant, in order to be eligible for examination for admission, shall be a citizen of the United States and a *resident* of Mississippi, above the age of twenty-one years, of good moral character; and shall have had at least a high school education, or its equivalent."

The Code specifically sets out the subjects upon which the applicant is to be examined. The Bar Commissioners propound questions on the subjects designated in Section 3685, Code 1930. If the responses, in

writing, to the queries submitted merit a grade of 70 the applicant is entitled to admission to the bar, and if commissioned he takes his place as a member of a profession which deals with the most sacred of human and property rights. By authority of that commission he is recommended by the Bar of Mississippi as being competent and qualified to deal with the most intricate problems of life and death.

Many of the applicants who are admitted to the bar today work at occupations totally unrelated to the law, and the law as a learned profession is either a secondary consideration in the mind of the applicant or merely the quickest method whereby to make money. The state is unfair to admit such individuals. It is in a sense a party to the deception which is practiced by luring the applicant into the belief that he is fit or competent to represent clients in either civil or criminal matters. He should be advised of his deficiency at the outset, not at the end of his course of theoretical study and before it is too late for him to undertake some other occupation for which he may be fitted. We should affirmatively discourage this type of individual from seeking entrance into the profession.

Bar examinations themselves, under the method now pursued, can play but a small part in an appraisal and fitness of the applicant. Any person of ordinary intelligence, without pretense of any knowledge or training in law, but ambitious to secure employment that might be more remunerative, if coached for a few weeks in the school supervised by Messrs. Hanberg and Satterfield, on subjects provided by our Code to be submitted to applicants for admission can pass the grade required. These instructors are so thoroughly versed in the law, so eminently qualified to impart its "rudiments" to the student that their pupil seldom fails of passage.

If the present requirements for admission to the bar of Mississippi are too lax; if they in the good judgment of the members of this bar should be reformed then recourse should be had by the bar to our legislature, even though it has been said that "reptiles hiss and crawl about every capital."

We proclaim what the Bar has done and what it can do for the commonwealth. We prepare interesting programs, and this morning was especially interesting. We invite men thoroughly versed in law and science to expound the principles of democracy and the American way of life and the part the integrated bar can play and does play for our country's good, but no sooner does the curtain roll down on the drama than we slip into the unconscious mind, and the lessons learned are forgotten. If the bar has has played the part in history we claim for it, if it is the honorable profession about which we so loudly and proudly boast, then it should be our earnest care to keep from the ranks of the profession the man or woman not qualified by character and learning for admission. Senator Pepper, who is our guest speaker tomorrow, said: "I suppose we have all, at times, thought of law as the body of rules for playing the game of life. As life is the one experience which we all share, and as a happy life is our common aspiration, it follows that enormous importance attaches to the rules of the game. The game of life can't proceed happily unless lawyers

do their work and do it well. The responsibility of wisely and rightly ascertaining and enforcing the rules of the game and fitting applicants for admission to the bar and as our successors to carry on our work is a public service of the first magnitude. I know of no other that outranks it."

The subjects referred to and discussed here today are the subjects with which the bar should deal. As the older men step from the stage the younger men are to take their places in the affairs of law and in the affairs of life. It is for them to say what measures and what *men* will best preserve life, liberty and happiness guaranteed by the Constitution of our fathers.

Last night I listened with much interest to the address of Judge Roberds before the junior bar. I was particularly charmed with the Judge's reference to the liberty of the American citizen who in his humble hut, proud of his fee simple title to property, defies all the world beside to disturb or molest him in his right of possession, for does not our Constitution say, "Private property cannot be taken or damaged for public use except on *due* compensation being *first made* to the owner." How wonderful! And how we envy the independence of this humble American citizen in his lowly hut, "defying all the world beside." But, alas and alack, a prograssive highway department or other public utility, with right of eminent domain, concludes to disturb our humble citizen in possession of his lowly hut and the hut, with contingent belongings, soon becomes but a memory and the *due* compensation is measured by the merchantable value of the property "before the taking and after the taking;" so says our Supreme Court. Maybe, however, the conclusion is justified by the further proviso that "private property shall not be taken or used without due *process of law*"—the just compensation requirement it appears must yield to that of "due process of law."

---

A motion of Mr. Ross Barnett, of Jackson, that the report be adopted was seconded and the motion was passed.

The report of the Complaint Commissioner was given by Mr. Ben H. McFarland, of Aberdeen.

## REPORT OF COMPLAINT COMMISSIONER

Since our last annual meeting six complaints have been filed, and four were carried over from last year. I am glad to state that all of these complaints have been satisfactorily settled and that I now have none pending.

Several of these complaints were referred to other members of the Association for adjustment and disbarment suits were filed on three. However, after filing disbarment proceedings, all of the complaints were satisfactorily adjusted and the disbarment proceedings dismissed.

I want to thank Hon. W. W. Venable, Hon. J. E. Caradine, Hon. Walter S. Welch, Hon. R. W. Thompson, Jr., Hon. Jesse H. Graham,

Hon. Dugas Shands and Hon James W. Bell, Jr., for assisting me with some of these complaints and in getting them adjusted.

I have now served ten years as Complaint Commissioner, and this is the first time I have been able to report so few complaints being filed, and the first time I have been able to report that there are now no complaints pending with me.

---

A motion of Mr. James M. Forman, of Indianola, that the report be accepted was passed.

Mr. Stokes V. Robertson, of Jackson, Chairman of the Memorial Committee, reported that the Committee had arranged for the Supreme Court to hold memorial services for the deceased members of the Bar and to enter the proper memorial in the minutes of the court.

The report of the Legislative Committee was given by Mr. Marion W. Reily, of Meridian, Chairman of the Committee. Mr. Reily's remarks follow:

MR. REILY:

Mr. President: I presume that it is proper for me to make some reference to such matters as concern the Bar generally that were dealt with by the last session of the Legislature. That session of the Legislature was consumed largely with dealing with legislative matters and receiving new matters, and an effort to pass certain laws of federal nature that touched largely upon labor organizations. Those matters could not be said to have concerned the profession particularly. One bill was introduced and passed with regard to the litigant's right to amend declaration before answer is filed. As I sat in the audience and tried to think what happened in the Legislature, that is the only bill that I recall that really affected the practice of law. Of course, our old friend who has been with us for many, many years was on the scene—the Workman's Compensation Act. Arguments were heard on both sides of the question; members appeared who were connected with the various labor organizations throughout the country, and an expert appeared to testify how such laws worked in other states. Committees from the Senate and House heard all of these arguments on both sides, and the bill did not pass. No good could come from the discussion of that prolonged contest, but we will have it in the future I am sure.

There is one question that is on my mind, and I heard a preacher say forty years ago that when a thing was on your heart and on your mind, that that is the thing you ought to talk about. That question is this: this country is safe in my judgment, as long as we maintain courts wherein the differences of men can be settled, wherein every contestant can be represented by a champion be he lawyer or layman, wherein every man can come and present his side of a controversy intelligently, and have his cause acted upon if it is a question of fact by jury, if it is a question of

law by a court organized under the Constitution; as long as that condition prevails, this country is safe. Men will differ. They have differed since the beginning of time and they will forever differ, and a forum must be furnished them to settle the diferences, and the court house is the only place to settle such differences. The tendency upon the part of some men practicing law to have these differences settled before boards and counsels and committees is an unfortunate thing that will be watched with great interest by those who have had enough experience to understand the danger of doing away with a jury taken from the body of the people.

The point I have on my mind is this, if there is a criticism of our court or any other court in any other state, I have talked with many about it, it has been the disposition of the court today in passing upon questions in which the weight and worth of testimony is involved, the disposition on the part of the Bar, to invade the province of the jury.

Of course, under our court under the Constitution, it is the duty of the appellate court to review the testimony in every case. There could not be a proper administration of justice without the highest court in the land having the right to review all testimony and in proper cases grant re-trials. I can conceive of instances in which verdicts would be found and would be sustained by any testimony worthy of belief, and I don't want to be misunderstood that our Supreme Court should not review the testimony and should not be limited in its right to waive that testimony and decide whether a new trial should be granted. That right must forever live in the Supreme Court of this state if justice is to be fairly administered. But let us not forget that adage: "You are but yourself and your experience is of the best and that is all that I am." I think what those about me cause me to think and what my circumstances cause me to think, and you do the same thing; therefore, wherever a condition develops in this country when any one man shall be called upon to waive and measure and estimate the conduct of another man for the testimony in a case it is an unfortunate condition and a dangerous one, and one that usurps the sacred duty of the lawyer to support and to protect this country. Today, when you try a case in a law court and a verdict is rendered and that case is appealed to the Supreme Court, the record comes up in its entirety, sometimes 1,000 printed pages, sometimes 1,500, I have known them to go much higher than 1,500 printed pages. With the volume of work we have in the Supreme Court, it is impossible for every member to read that record and interpret it properly with the testimony in that record. It can't be done, and as long as that method of procedure prevails what is going to happen when we appeal a case to the Supreme Court and it is argued that the record goes into the hands of one judge.

I was glad to hear Mr. Kelly voice the thought that lawyers should get together and look in the eyes of each other and talk about the problems of lawyers. I have never felt the presence of any man so strongly that I should hesitate to voice my disapproval of his private or official conduct when I was dealing with a matter in which I had a duty to perform. Therefore, I say let us talk it over as lawyers and see what is best in the premises. When records reach the Supreme Court, one judge gets it,

prompted by the highest motive, don't misunderstand me, in studying that record he goes through that record once, and the brief is filed. Probably every judge of the Supreme Court reads the brief. I am not sure that they all get to all the brief promptly, but when all is said and done that member of the court who gets that particular record, reads it and studies it, and I want to try to believe that he absorbs it and gets it entirely into his head and goes into the consultation room and there they discuss honestly and with motives high trying to reach a proper decision. That man who reads the record is just like you and me. You all remember the story of the Irishman who bought the Muscovy ducks. He had never seen them before and someone said: "Pat, how can you tell the drake from the hen?" He said, "Well, you see that one with the curliques in his tail? That is the drake." The Irishman said: "Suppose, in faith, someone should pull out a curl. Hell, he would still be a drake." So when we put a man in the Supreme Court, he is like you and he is like me and he is still human. He is his yesterday; he is his surroundings and experiences of the days gone by. In reading that testimony and weighing that testimony, though prompted by the highest motives in the world, he is going to be impressed by the thing in that testimony that meets and coincides with his experiences, and when he retires to the consultation room to discuss a decision of that case and digest the facts in that record, being just like you and me, being impressed with the things that impress him, those things are pronounced.

Many lawyers think that is the best system; I once thought that it was the best system. Years ago when it was discussed in the Legislature, I advocated that system. Robert Tooms was making a speech in New York once and he made a statement. A man in the audience got up and said, "You argued to the contrary on such and such an occasion." He said, "I don't think I did." "Not only that, you voted in the opposite way." Tooms said, "I don't think I did." He said, "I will read it to you, Judge, from the law journal." He read it to Tooms; Tooms said, "Is that my vote? Did I vote contrary to what I said?" He said, "Yes, and what have you got to say about it?" "It is a damn bad vote and I want to know what you have to say about it." I voted on this one and I studied it and thought it over, and I want to ask you if it is the old rule of having our bill of exceptions agreed to by counsel in the lower court and approved by the circuit judge so that the Supreme Court would have time to take the records in every case and then we would have the judgment of every member of the Supreme Court not only on the law but on the facts. I want to submit that to you for your consideration. I thought otherwise one time, but I have changed my mind. That matter is going to be presented to the Mississippi Legislature.

The way to deal with a problem is to deal with it fairly. The Bar of this country owes a sacred duty to the people, and that duty is to protect the public from unwise and unsafe and unselfish and dangerous legislation, and it is the duty of the members of this Bar not only to take an interest in it and lay aside their private duties and give attention to it, but to use their influence in connection with the passage or defect of all laws that touch the rights of the people. That question is coming up. That is a

touchy question with some people; it is not with me; I have given it a great deal of thought and I submit it to you for what it is worth. Since I was requested to speak about legislative matters, being of the honest opinion that it would better advance justice and better advance the practice in this state, I submit it to you for what it is worth. It is going to require better lawyers because when you get up a bill of exceptions you are going to need a lawyer of experience and one who knows his business and who knows what testimony is valuable and what testimony is not valuable. The judge is going to give his attention to those things which are vital.

I am not one of those people who shares the view that a man should be denied the practice of law because he did not go to school in his youth because his father could not send him. It is not a question of what you had in the past; it is a question of what your ability is today and what we need in Mississippi today is not a curtailment in the number of men who practice law, but we need a strong arm that knows not fear, that will reach out and properly pass upon the conduct of we men who practice law. It is not getting the right to practice law where the danger lies, but the conduct of men after they get the right to practice law; that is what we need in Mississippi and this bill which I am speaking of will give it to us. The young and inexperienced lawyer will be at a disadvantage in preparing his bill of exceptions with the old and skillful lawyer but, on the other hand, we will have circuit judges, district judges, who would be disinterested and led by the highest light in granting a bill of exception. Gentlemen, that thought is on my mind. I don't know how you feel about it. I think I have written two letters about it. I felt it my duty and I apologize for talking so long.

---

A motion by Mr. Talley Riddell, of Jackson, that the report be adopted so far as it described work of the last Legislature and that it be referred to a new committee for further study so far as it suggested changes in the future was passed.

Reporting for the Committee on the Bill of Rights, Mr. W. S. Welch, of Laurel, Chairman of the Committee, declared that though the Committee had had an interesting exchange of letters, it had no written report to offer. His motion that the report be adopted was passed.

President Currie then introduced Mr. Earle L. Wingo, of Hattiesburg, to present the next speaker, Mr. Carl Marshall, of Gulfport. Mr. Marshall's address follows:

## THE ORIGIN, GROWTH AND PRESERVATION OF DEMOCRACY

CARL MARSHALL

As requital in a measure for the vastly gratifying distinction of being invited to address you today in order that we may proceed in an attitude or an atmosphere of congeniality and good will, I will limit my oration to

the very threshold of things. I wish to assure you I shall speak with your kind indulgence almost, if not quite entirely, in an extemporaneous vein. As one of your hosts here on the Mississippi Coast who should "Gain the murder of the Bar not bare the knife himself" on this beautiful sunshiny summer afternoon so typical of our region, I want to say that I entertain no such inhospitality of intention as would compel or permit me to inflict upon you a prepared and set exposition of historic and prophetic erudition. So, here in the bosom of the Mississippi family of lawyers, or Mississippi's family of lawyers, their families, friends and guests, I ask your indulgence while for a few moments I engage in the lawyer's age-old luxury of philosophizing aloud.

Again in an effort at extenuation I wish to say that the subject of my address, "The Origin, Growth, and Preservation of Democracy" entailing upon me the necessity of discussing before an audience of lawyers at that the length, breadth and thickness of civilization in a brief compass of time was not of my choosing. It places me in an embarrassing situation of one compelled to discuss before seasoned navigators the rotundity of the earth, and so I must content myself with some embarrassment with the utterance of a few wandering animate versions upon the subject familiar to us, all phases of the subject familiar to every lawyer I know. Let us orient ourselves for a moment, my friends, by fixing firmly in mind the real import of the term democracy, its genuine significance or essence. Few important subjects, I believe, are so poorly grasped or so little understood. Ignorance on the part of the ostensibly enlightened,—of course, I refer not to lawyers but to otherwise well informed laymen—is the sword with which democracies have committed self-destruction since history began and democracies, like Caesar, fall always beneath the blow of their avowed friends and families.

Someone has said that a democracy is a bludgeoning of the people, by the people and for the people. We Americans in recent years have discerned a vestige of truth in that ill-timed and ill-humored witticism. Again, democracy has been defined with some cynicism as a place in which the rich enjoy all the privileges and benefits extended to the poor. Be that as it may, the only oppression that has ever been visited upon the working class in America has been at the hands of its own despotic leaders whose methods enjoyed neither governmental sanction nor popular approval. Another wit—I am striking back constantly to the effect that a wise man knows what ought to be said while a witty man knows merely what might be said—one fellow termed democracy as a place, and this has really a closer approach to soundness I believe, a place in which a man may say what he pleases and talk when he pleases. I know this part of it will gratify you because he continued "And you don't have to listen unless you want to." Another would-be commentator on political economy likened democracy to an old scow which he said never got very far fast but it never sank. I submit to you that this epigrammatic simile of that author was erroneous, or only a half truth, because since recorded history began the old scow of democracy has never floated anywhere so long as two centuries continually.

Democracy in its correct significance, its very essence like the legal question of domicile, is a mental or intellectual fact, a matter of the heart and the spirit as well as physical actions that indicate or prove the existence of a status, a people. Those who are merely permitted to be free and to act as free men by a government that retains and reserves the right to inhibit and restrain their freedom at will are not a free people, and sooner or later inevitably that people will be galled by the bonds. A conspicuous example is the case of Germany, living for generations under a supposedly benign government and stoically satisfied with the physical freedom accorded them. But little by little, they lost the animosity, the heart, the spirit of free men, gradually drifting into the belief that government was apart and separate from the people deriving its authority and its power, not from the consent of the governed, but by the inherent strength for enforcement that might have culminated in it. When the German people awoke to the peril, it was too late. They had dampened that spark of celestial fire on which freedom exists and by which it burns, and today they are a living example of the adage that the price of liberty is eternal vigilance.

In this sense, from the standpoint of origination in following the chronology of the title assigned me, it would seem that democracy is coeval with the conscious thought of worthy and meritorious people of all races. It arose spontaneously in the granite cracks of the mountains in which for obvious reasons it so loves to live, in the clean, clear reaches of the sky, in the forest and about the streams. It is an attribute that is innate and inherent in all worthy life for it is a *sine qua non,* a procession of courage, ambition, happiness and those things that make life worth the living. Well, I want to digress sufficiently far there to submit this thought to you too: that democracy as shown by universal experience in all the story of mankind and as disclosed by the most mature study of the science of government and political economy is the only implement, the only instrument, the only device by which a permanent foundation of human liberty may be lived. In that respect, also, it is a fixed fact, a moral conception and physical action, and in that sense democracy in its only true form that the world has ever known was born and originated in a manger in Bethlehem nineteen centuries ago.

Time does not afford it, nor would it be necessary if it were, for me to run through the instances of parallelism of tennets announced in the New Testament and the basic and fundamental principles of our democracy here in the United States. We realize that the motivating influence behind it all is the Golden Rule and that there is no other way by which any people may attain liberty and preserve it for themselves and their children than by according equal liberty, liberty in equal share, to all others without respect to person or estate. Christianity and democracy therefore are exactly identical and are convertible terms, convertible in their significance. Regardless of what man may believe himself by way of religious persuasion, if he is a genuine advocate of the principles of democracy, he is a Christian, and conversely, if he is a Christian, it follows as the night the day that he is a supporter of and believer in democracy—"As a man

thinketh, so is he." That important circumstance is a concomitant of this unquestionably sound observation that has occurred no doubt to all of us. Whenever a person in any land such as the afflicted lands of Europe, conspicuously Germany and Italy, desires to use the abolishment of individual liberty as a stepping stone on which to ascend to despotic and autocratic power, then of necessity that person first must destroy the religious beliefs, the religious convictions of the people of that land. He can not succeed without submerging or undermining those religious convictions on which a lone individual liberty is supported. For that reason every dictator who has ever been seen on the face of the earth has battled the church and fought religion. Finally, the dictator insists or imperiously demands that he be worshipped himself as a diety or a semi-diety.

So we regard it from that aspect and it is most important to the world's future. I submit the war we are so gallantly carrying on today, cruelly handicapped by lack of preparation resulting from our vainglorious optimism of the past, it is just as much a religious war as ever was fought by a crusader. I believe it was Sir Gallahad, although I would not guarantee it, devoted to the honor of God, the champion of the weak and the oppressed and the unjustly attacked everywhere, who said:

"My good blade across the case of man
My tough hands thrusts the sword
My strength is as the strength of ten
Because my heart is pure."

As I speak to you now, millions of American Sir Gallahads, the flower of the United States on the land and at sea, under the sea and in the air, in their armor of one form or another, are battling to the same end; that individual liberty, justice and right, the right to pursue happiness in every worthy endeavor of individual choice shall not perish from the earth. Their strength is "as the strength of ten" and we all know with an unswerving conviction and belief that they shall not fail.

Again, and I must hurry through, I want to leave this observation with you, not that I know any more about the subject than any one else, but as a mere suggestion to you: it is impossible for democracy to be destroyed, for individual freedom to be unduly curtailed and restricted or annihilated without first abolishing the lawyers of a land or abolishing the independence of the members of that country's Bar. Most fortunately for us and for the world, the founders of this country were men not only imbued with the spirit of animosity, the heart of free men—indeed, that was why they were here—but men of very acute vision, of keen sagacity. They had with them lion-like courage that was undaunted either by savage perils, or the perils of the savages, or the oppression of old world monarchies. They had the keenest insight into things. They were clear in their thought, and they had the pioneer's directness and vigor of thought and in action. Their purpose was to insure to the generations to follow them the individual freedom that could only exist from a democratic form of government. And among them towering in their strength, four score to every wind that blew, were the lawyers of that day without whose guidance

and assistance the cause never could have succeeded and without whom, perhaps, the institutions of democracy in their true form never would have been had on the surface of the globe—lawyers whose illustrious and inspiring names come down to us like the gleam of stars seen by mortals long after they have ceased to be. Now these forefathers of ours, the founders of this government, would not yield one iota in order to secure the adoption or the ratification of the federal constitution by weakening the safeguards of democracy.

The constitution had that sanctity in their view that arose from observation and appreciation of the circumstances, that integrity which is the only criterion by which our freedom or our bondage might be gained or controlled. Fresh in their pioneer minds was the idea that governments derive their just powers only from the consent of the governed and that the only distinction between a free people and a people in bondage was that the free people were ruled only by their consent while those in bondage were ruled without their consent and against their will. They regarded the constitution as something sacred, and indeed, of course, we still do here because it constituted the written expression of the people to be governed only after the fashion and on the conditions and within the limitations delineated in that document, and none other. They knew of course with their prophetic vision and, let it be said to their everlasting credit, they were more interested in the welfare of generations to follow them than they were in the best security of comfort of their present.

They knew that there were very few tricks in the bag, if I may adopt the vernacular, that no organization, governmental or what not, no human activity, scientific or otherwise; but it is governed by a very few valiant or basic principles. They realized of course as they gazed into the future of this nation that business here would grow astoundingly in volume; would become complex and intricate; that there would be a constant succession of developments sociological, political, scientific, commercial, to which the government would have to readjust and to write requirements that the government would have to respond. But they knew that if the framework were only preserved inviolate then no degree of novelty in governmental functions or applications, no extent of superficial complexity and intricacy of business and the application of government to business would wreck the institutions that they launched which were shortly to be justified and vindicated overwhelmingly in operation and effect.

Take for instance the design of aircraft. There are only four forces involved. Gravity, thrust, lift and draught. Regardless of intricacy in production all aerodynamics and all nautical science must pivot around those four basic principles that are immutable, and if any one of those principles be ignored or left out of consideration then no human ingenuity can make the aircraft fly. So it was with the organization of our government. The three principles, the principles involved as a framework an absolutely coordinated separation of the three branches of government security—administrative, legislative, and judicial—each rigidly held independent of the other that we hight have, as they said, "A government of law and not of men." A judiciary who is independent should be preserved at all costs

and should have the power to declare an act of the legislative body invalid as controvening the organic law or not being warranted by it. They realized that in all the future perplexity, in all the storms of time, if those basic principles be maintained then we could not fall.

The story is known to you all how our democracy acted like a dragnet, like a magnet rather. It drew to us the meritorious, the courageous, the aggressive and the strong of every land. Our country became the land of the brave and really the home of the free; the home of rectitude, of thrift; ejecting, not without cruel sacrifice and loss, the impetus emanating from the old world. They swept the savages before them like the autumn wind sweeps the leaves, and where before stood trackless forests, impenetrable swamps, blazing deserts and rugged mountain ranges, they built an empire that became the envy and the marvel of the world to which alone the oppressed peoples of the earth everywhere today attach their sole hope for liberation.

Our forefathers, as canny as they were, however, were still human; they were still not wholly immune to that species of American optimism that is manifested by the belief that it can't happen to us. That belief made possible the bombing of Pearl Harbor and Clark Field and Cavite, enough to make the Angels themselves weep. They let the submarines get to the mouth of our Mississippi River. Civilization until recently has hung too precariously in the balance. Some safeguards they left out because they believed that they were unnecessary. Take for instance the packing of the Supreme Court. They did not believe that that was within the pale of possibility here. So thought Mr. Jefferson; so thought Woodrow Wilson, and Lord Brice in his monumental work, the American Commonwealth, expressed the thought that it could not happen to us. Both Woodrow Wilson and Lord Brice said no president would be found who could consider such a thing, and even if he should undertake it in order to sustain the validity conserved by the presently constituted court to be invalid, the people of the country, profoundly shocked, would rise against it. Now did it happen to us? Was Pearl Harbor bombed? The only reason I mentioned that, my friends, as one lawyer to another, is to impress upon you and upon myself that concept upon which the salvation of the generations that will come after us must depend. Everything can happen or anything can happen to democracy if it lowers its guard one instant. Never until the end of time will the price of liberty be anything other than eternal vigilance. Again I submit this to you for your consideration.

The constitution of the United States should be amended after the war; I am just enough of an optimist as many of you and others throughout the three million square miles of our country to talk now of what we should do after the war in a constructive way. It should be amended so as to inhibit or forbid a president to succeed himself for the third time. The power when we consider it that a president has is absolute, almost absolute control of the armed forces of the country, making unlimited tenure of that office wholly incompatible with the safeguards of democracy that we are obligated to hand down to our children. Again, my

friends, there is no other way; if I may speak frankly here in the bosom of our family, to eliminate from national policies that political influence that has poisoned us to our remote extremeties arising from the possibility of a third term. It would neither be dignified nor patriotic nor is it necessary for me to detail recent occurrences that manifest the soundness of that observation.

The whole thing rests upon us, the members of the Bar. The people will be guided by us; they will look to us as specialists in the science of law and government for instruction and guidance on these questions. And their solidarity rests upon our shoulders as an unescapable obligation to this land in which our children and our children's children hope to live in security and peace. But this can only be gained by our actions here. There rests with us that principle of *noblesse oblige*. It is not easy. When a lawyer battles domestically for what he knows to be right, often his only reward is the parlous one of the glory revealed within him. He is not cheered by the multitude; very often there is visited upon him only vituperation as compensation for his patriotism, but we all know that his work in that field is just as important as is the heroic work of any pilot of an aircraft fending enemy planes for our area, and I think of this solemnly and proudly because I know we shall not be found wanting in that capacity.

I am reminded of what the great Churchill said in expressing the debt of England's gratitude to the members of the Royal Air Force who high above the earth were the sole guardians of England's security from May to September of that awful year. He said, as you remember, "Never before have so many owed so much to so few." One hundred thirty million people look to us, whether they realize it or not, for their security in the future, and our war will begin when the soldiers' war ends. Always the lawyers of the United States have risen to the occasion in a crisis. Calamity is the touchstone of character or it has been stated otherwise, "Adversity is the very path of truth." Only in adversity can you judge the mettle of a man or a collection of men or a type; everyone is a soldier until the advance is ordered. Every man is a sailor in fair weather in smiling skies and calm waves, with sails caressed by the zephyrs of spring. You have to wait for the hurricane, the roar of the gale, the sweep of the wind in the accordion, the vessel shoving away and staggering away over the mountain green rollers as smoke against the sky to know who the sailor is. The only true hull inspector is the snag because when a vessel crashes into one of those menaces of navigation, no amount of theory departmental red tape can prevent the percussions advertising to all the world the fact of the vessel's strength or weakness.

Let us all remember and demonstrate to all the world in fact that there is handed to us a heritage in the Bar of the United States that carries with it the obligation every hour of every day of our lives to perpetuate the work of our inspired forefathers, demonstrating to those who care to know that simply because it is 1942 and after, that the lawyers of the United States are not butterflies, parasites thriving only in the sunshine of peace,

happiness, prosperity and security who will disperse at the first touch of gloom, the first approach of adversity, clouds and shadows, but in the sunshine and storm, in good times and in bad, there is in the Bar of the United States, and, I am proud to say, conspicuously in my own state of Mississippi, the same spark of celestial fire that inspired our forefathers. Let us take up the work when the soldiers of today lay down their arms, their heroic task finished.

---

President Currie then presented the next speaker, Judge T. C. Kimbrough, of the University of Mississippi School of Law. Judge Kimbrough's address follows:

## THE LAWYER'S PART IN THE GREAT DEFENSE PROBLEMS OF TODAY

T. C. Kimbrough

We as members of the Mississippi Bar should calmly view and consider the conditions which confront us as a people and nation, approaching the problem from a realistic viewpoint. Lawyers as a rule are realists, and if there was ever a time in the history of the country for realism, that time is upon us.

There are certain fundamentals upon which all of our people are in complete accord and agreement, namely, we are engaged in a war which threatens the destruction of our way of life and the nation itself.

It is up to the members of this Bar, individually and collectively, to canvass the situation and determine what contribution this bar can make toward ultimately securing victory in this terrible, titanic conflict.

We are in no sense freed from the obligation to make a contribution because contributions are being made by individual lawyers, by some State Bar Associations and by that great organization, the American Bar Association. Many young men from your law school, many young lawyers out of the law school but a few years, and others have offered their services to their country in all branches of the service. The rolls of valor in all of our wars are made thrilling with the heroism displayed by lawyers, but you and I cannot claim credit for all of this, as the work of this State Bar.

Gentlemen, we had just as well face the fact calmly and thoughtfully, that we are confronted with a long, bitter, costly and bloody war. Many do not or will not permit themselves to realize this fact.

We should and must address ourselves to the serious task nearest at hand—to doing, rather than thinking and talking.

This organization of lawyers should decide, and decide now, whether it will assert its leadership, in this state, in the efforts made to successfully prosecute the war.

If we arouse ourselves and clearly realize, in all its fullness, the long trail ahead, the ruggedness of it, the exhausting travail incident to it, we can and will lend ourselves to the task, which is our part as lawyers, with all the more zeal and determination.

The war is no longer an incident, a side issue, with the Bar, or the individual lawyer, but it is, and must be, a main, paramount, all consuming vital issue. The lawyer's daily business must now yield the right of way to this paramount business of winning the war. Even a casual outlook upon what is taking place in every part of the world, daily, warns us and forcibly brings home to us the necessity for calm and well thought out action on our part.

So great is the need in this fateful, climactic hour of the nation's history, fraught as it is with such possible peril, that lethargy or any want of aggressive diligence on the part of the Bar and the individual members of it, is in its baleful effects tantamount to disloyalty to the government and wilful indifference to our children and their children's future welfare and happiness.

It is said that Nero, the Roman Emperor, fiddled while Rome burned. The great Bar of Mississippi with its glorious past, cannot afford to delay while barbaric powers are seeking to seize and strangle the life out of this nation and reduce it to the status of a subjugated province.

*Some Things the Bar and The Individual Lawyer Can Do*

You may have in mind these questions. What can this Bar do? What may the individual lawyer do? Therefore, I point out what I conceive to be helpful and practical work which can be done by the Bar and individuals.

The American Bar Association at the meeting of the House of Delegates in April created a new committee to be known as the Civilian Defense Committee, the purpose of the committee being particularly to cooperate with and assist the federal, state, and local agencies which concern themselves with the protection of civilian populations in emergency.

The President of our State Bar has very properly created the Defense Commission of the Mississippi State Bar with Honorable Forrest G. Cooper, an able lawyer and capable leader, as chairman.

It appears to me this Committee should be authorized and empowered to collaborate with the foregoing committee of the American Bar Association to the end that the defense phases of the work to be done by these committees will be consolidated, unified and made far more effective.

The American Bar Association also created a Committee of three members, of whom Honorable Walter P. Armstrong, President of the Association, was made Chairman, as the Committee for Coordination and Direction of War Effort, and placed under its authority and complete direction all agencies of the Association engaged in activities for the advancement of the war, thereby establishing a centralized and effective "high command" of the Association's "all out" effort and appropriated

the necessary funds. This Committee will maintain offices in the City of Washington and keep in daily touch with the forces and powers of the federal government created to prosecute and wage the war.

Then with the information obtained it can use all available means within the sphere of its authority and power to aid the government in prosecuting the war to a victorious end.

This Committee has made a report, in part, in which it said: "The capacities of American lawyers for public service now can be organized and unified so as to produce more effective results than ever before. We are at war, grim, terrible, total war. The Axis powers wage war not alone upon armies, navies, or arsenals, but upon peoples and possessions, in order to destroy resources upon which the armed forces must depend. It is to resist these forces, and these purposes, we, the lawyers of this nation, must devote our time, our lives and our powers."

It seems important for the Mississippi Bar Association to appoint a committee of three, with the President of the Association as Chairman, whose duties it shall be to keep in close contact with the Committee on Coordination in order to aid in a unified and effective manner what the American Bar Association is doing in its efforts to bring to bear the full force of the American lawyer's influence and power in waging the war.

This plan would completely centralize the direction of Bar activities, State and National, and coordinate the efforts of our State Bar with that of the American Bar Association, thus placing the direction of the lawyers' contribution to the war in the hands of the most capable members of the Bar in the Nation.

### *Morale*

A highly important task for the State Bar organization through its Defense Committee and by all of us as individual lawyers is maintaining the war morale of our people. Let no one doubt the facts. We have suffered defeats, and will suffer other defeats before victory comes, and at this time we have little to show on the black ink side of the ledger. We have nothing to fear about our men in the armed forces for they have physical and moral stamina and will wage war with courage and intelligence. However, we cannot rest our cause on their performances alone.

Battles and wars are often lost because of weakness on the home front, and it is as important and often more difficult to sustain morale there than with the soldiers in actual contact with the enemy. Here is another front where lawyers are serving, and where as the war goes on, they must serve with mounting diligence and devotion. As the conflict grows in intenseness, the impact of necessary war legislation and the emergency orders of our Commander-in-Chief, at times will disturb and shock the public mind. It will be particularly the task of the lawyers, who understand the issues more clearly than any other group among us, to speak and explain the necessity for such laws, and with no uncertainty uphold and justify them. If morale is to be sustained, questions which

disturb the public mind must be answered. It is the lawyer's responsibility to define the answers for the people in terms they will understand and approve. This will cushion the shock and give encouragement to the future. Our effort in this respect will contribute to a general understanding of the need and purpose of such laws and will serve to strengthen national unity and confidence and thereby uphold the hands of those directing and controlling the mighty forces of war.

Let this Bar Association see to it that no harm comes to the successful prosecution of the war from the home front in Mississippi. Let the Chairman of the Defense Committee be authorized, if the necessity arises, to appoint prominent members of the Bar to speak to the people in any county where their morale is by any means being weakened and do all things necessary to restore normal conditions.

*Defense Commission of the Mississippi State Bar*

I call your attention to the all important work of the Defense Commission of the Mississippi State Bar, which reaches every county and community in the state. It is important to the efficient functioning of this Commission that every, not a few, individual lawyer becomes familiar with the task of this Commission and devote time and energy in making it a success. Its efficiency and effectiveness will depend upon the interest and zeal manifested by members of each local bar. This places squarely upon the shoulders of every lawyer in the state the moral and patriotic duty of seeing to it that the purposes of the Commission are carried out at his local bar, and this will by large constitute the measure of his patriotism and devotion to his government in its hour of peril.

*The Lawyer — The Bar — Democracy*

Leadership by the bar has waxed and waned at times during our national life, but at crucial moments the lawyers have imperishably written their names on the national scroll of honor. On innumerable occasions, some unnoticed, some dramatic—they have analyzed, briefed, argued and won the causes of Democracy and Christianity against tyranny and paganism.

On the wing of free speech, they have spread the democratic way of life, the sanctity of the Bill of Rights, state and national, the virtues of a representative and republican form of government where the people are the repositories of all power, where the individual is magnified and not the state. They have instilled hope, faith and courage in the hearts of the free liberty-loving people of this republic.

Today, the nation is taking an inventory of its human and material resources. It is, as never before, pledging those resources for the preservation of our democratic way and faith. It is feverishly engaged in a united endeavor to make representative government, under constitutional safeguards, immune from attack without or within by an enemy of democracy. The great national undertaking is already making exacting demands on

the Bar. It will provide many opportunities for the assertion once again of the lawyer's leadership in times of national crisis.

In war as in peace, democracy if it is to survive, demands our all, our fortunes and our very lives. It demands our lives in the sense that it requires our united efforts, our combined intelligence, our cooperative self-discipline, our devotion, our joint and individual sacrifices. To the extent it does not obtain them, it loses vitality and efficiency.

The forces which now weaken and all but paralyze the aggressive responsiveness of the democratic process are the strong allies of the foreign ideologies.

The committee on National Defense will cooperate and work shoulder to shoulder with the citizenship committee. Lawyers are the natural expositors of our heritage. It was the lawyer's leadership in the long ago that gave to our government a foundation upon which it could stand and function and at the same time exercise all power necessary for protection from evils within, as well as evils from without. The lawyer on the subject of the needs of today can speak not only without confusion, but with power of actual knowledge and the eloquence of courage.

The Junior Bar, state and national, which has been organized within the last few years, constitutes an important and growing dynamic force in the ranks of the lawyers. I speak with pride and knowledge of what is being accomplished in our state by this younger element of the Bar. They are enthusiastic, courageous and capable. They are informed as to the history of the Bar in our country and its splendid leadership during every crisis that our nation has met and successfully overcome. There is now, as never before, a duty on the part of the Bar to assume and work out a constructive leadership to meet and overcome the hostile forces now attacking the nation from within and the perils and dangers daily growing stronger which are manifesting themselves without. Proper organization of the Bar carefully and painstakingly worked out, after study and research, is necessary in order to cope with conditions with which we are confronted today.

### *Should Point Way*

The lawyer, above all men, is most likely to be steeped in the traditions of our democratic system. His mind is trained to sift the false argument and fallacious appeal. In every community he is pre-eminently qualified to assume leadership in the democratic cause. His leadership will arouse the complacent and stabilize the hysterical. He can exert a wise leadership which will point the way to a free people, to the true way-strength through unity of thought, purpose and action. Ideas are weapons in the present world struggle for the survival of the democratic way of life. Under the command of the lawyer and an organized Bar, we have a potent weapon, and so we come to what may be, at once, the greatest single function of the Bar, and the one which comprehends all the others. One which is dynamic, inherent and largely unfamiliar, the function of the Bar as a public agency. There of necessity must be a professional

body of citizens responsible for maintaining the laws of a free people and this at once is so fundamental and vast a principle of our civilization, that we do not see it as a whole.

The difficulties come at a time like this, in devising ways and discovering men to organize and expedite what may be done by united effort, and then in trying to determine what should be organized at all. Each one of us according to his understanding of the state of affairs now existing at our very doors, at the doors of the people of every individual community in the nation, should be clearing his personal decks for speed and well-planned action.

### *Is Public Agency*

We see today the steady preparations and the growing resolve of our people to be ready for whatever our fate may be, as we come to realize that every useful element in our lives must more than ever in our history contribute to safety. We recognize the fact that it is not the lawyers alone but the Bar, the organized instrument of our profession, which the people regard as a public agency of safety, justice and freedom.

We, as lawyers, know that what we have and enjoy today in the democratic government was won and achieved by brave and clear-sighted men who worked as a unit, who fought not as individuals but as an army. Not alone will such action produce tangible results but the very fact that we are taking it will lend strength to public confidence and courage.

The great human resources of the Bar are needed by state and nation in the public service. The resourcefulness of the legal profession can serve a high purpose in finding practical ways and means for consummating the hopes and desires of a free people. The tremendous energies of the profession, utilized to create hope, confidence and faith in the processes of democratic government, will provide one of the main lines of defense and more.

The Bar, united and welded together for a common purpose, with its unequalled technical competence as well as with its deep and abiding patriotism can and will provide guidance for the multitudes.

### *Trusted by People*

In my judgment, as in the historic past, the Bar will answer these demands with zeal, fidelity and courage. Their devotion and intense loyalty to American ideals will be an inspiration to the entire nation. Their leadership and guidance in the democratic cause will supply national cohension and strength. In the present crisis their zeal and statesmanship will be a foremost national asset.

By its unity and determined action the bar will again assert and attain a leadership, which it has enjoyed in other critical periods of our history. And, by this action, it will have preserved on this entire continent the inalienable rights of man, the democratic way of life. These efforts will

not only enrich our own lives but they will give hope in the place of despair to other nations of the world.

In the words of a great American jurist, "The Bar united is trusted by the people," and our only problem now is to deserve that confidence whatever may befall. In wisdom, in courage, in loyalty and self-sacrifice, let no one excel us. We can not foretell what we may be called upon to do, but let us be ready, for better than all other men in the world, we know what we should do.

"Let us be strong and wise and true and we shall be trusted. Let us be brave and loyal, and we shall not lack for company. Let us trust each other and go forward together, come what may."

---

Following the address, President Currie appointed a committee, composed of J. N. Flowers, Chairman, F. C. Hathorn, W. S. Welch, and Jesse M. Byrd to study the recommendations and report to the morning session.

Following announcements, the meeting recessed.

---

## MORNING SESSION, JUNE 12, 1942

After calling the meeting to order, President Currie called on Mr. Reece O. Bickerstaff, of Gulfport, Chairman of the Finance Committee, for the report of that Committee.

### REPORT OF FINANCE COMMITTEE

*To the State Bar Commissioners:*

We, the undersigned Finance Committee, submit herewith our report and recommendations for the ensuing year. We have very carefully examined the audit for the past fiscal year prepared by Dick Quin & Company and in view of the present conditions brought about by the world war we feel that it will be necessary for the Mississippi State Bar to curtail rather heavily some of the appropriations which have heretofore been made. By such curtailment we do not in the least intend to minimize the fine work that has been done in the various departments but feel that such curtailment is the only way in which the State Bar can remain on a sound financial basis.

While the audit reflects that there is something like $2,500.00 due as delinquent dues it is doubtful that more than $500.00 or $600.00 of this amount can be collected during the coming year. The committee strongly urges that the incoming administration use every effort to eliminate as much of this delinquency as possible; a great deal of good work has been done in this respect within the past two years and has resulted in the collection of a very substantial amount.

It is estimated by the committee that our receipts and the collection of delinquent dues will not exceed $5,600.00 in the aggregate. In view of this fact it is recommended that the following items shall represent our budget for 1942-1943:

| | 1942-1943 | 1941-1942 | Increase or decrease |
|---|---|---|---|
| Secretary's Salary | $1,800.00 | $2,100.00 | $ -300.00 |
| Law Journal | 1,600.00 | 2,250.00 | -650.00 |
| Bar Commissioners Expense | 600.00 | 722.64 | -122.64 |
| Convention Expense | 400.00 | 408.62 | - 8.62 |
| Junior Bar Section | 250.00 | 269.64 | - 19.64 |
| Office Expense | 700.00 | 760.47 | - 60.47 |
| Miscellaneous Expense | 100.00 | 255.90 | -155.90 |
| Totals | $5,450.00 | $6,767.27 | $1,317.27 |

It is recommended that the Law Journal be published three times during the year instead of five times in order that the high quality of the magazine will not be impaired by the curtailment of the appropriation. It is also recommended that the incoming administration endeavor to arrange its agenda so as to bring the bar commissioners expense within the budget. This can be done to some extent by handling various matters through correspondence. It is felt that the appropriation for the Junior Bar Section should remain the same as for the past year because of the unusually fine work which it is doing.

Respectfully Submitted,

Reece O. Bickerstaff, Chairman
R. W. Thompson, Jr.
John C. Satterfield
Rae Bryant
J. A. Ridell

---

After reading the report, Mr. Bickerstaff made the following remarks concerning it:

MR. BICKERSTAFF: "I would just like to make one statement in justification of the reort of the Committee. Last year its budget was set at some $6,700.00 and we had about $1,200.00, or a little less than $1,200.00 in the treasury at that time. According to the report we have now a little over $600.00 in the treasury, but we owe to the Law Journal $334.65 according to the report of the auditors, and $350.00 of the $600.00 is dues collected for the year 1942-1943. So if you add those two items together, it exceeds your cash on hand by $35.93. In other words, if you leave the $350.00 dues out of the cash on hand, which is not for your last year's budget, and pay your obligations to the Law Journal, you will then be $35.93 in the red. It is the idea of the committee after having studied this matter carefully that this Association can not anticipate an

increase in revenue for the next year. The Legislature passed a law at the beginning of this year exempting members who are in the service from paying Bar dues. We have ninety-two of those boys in the service now. Six months from now, we may have two hundred. We do not know how many there are going to be. Five dollars for each boy, with two hundred boys, would be $1,000.00, and as a rule you won't find those boys in the service on the delinquent list.

---

Mr. Bickerstaff's motion that the report be adopted was passed.

President Currie then called upon Mr. Ross Barnett, of Jackson, in the absence of Judge George H. Ethridge, Chairman of the Committee, to present the report of the Study Committee. The report of the Committee follows:

## REPORT OF STUDY COMMITTEE

*To the Mississippi State Bar:*

Your Study Committee, appointed to study and report to the State Bar questions for discussion, has given some study to a number of subjects, most of which will not be discussed in this report.

Among the things assigned for study was the Rules of Civil Court Procedure, reported at a former meeting and referred to the present committee for study.

As the legislature will not meet until January, 1944, and as there are many provisions in the proposed rules of Civil Procedure, if adopted in full in our present practice, and as there is some question in the minds of the members of the committee as to whether such Rules of Civil Procedure should be adopted in their entirety, we think best to recommend to the State Bar that this matter be not passed on at this session, but that the matter be continued for further study and report at the next annual meeting of the State Bar.

There are many desirable provisions in the Civil Rules of Procedure, but a wholesale change in the procedure in the courts is a matter that should receive prolonged consideration. We, therefore, do not make specific recommendations as to the proposed changes and think the matter should receive further study and a more specific enumeration of those deemed desirable and those deemed not desirable at this time, with a suggestion that the matter be discussed pro and con in the Mississippi Law Journal during the next year.

As our country is now engaged in a mammoth struggle for safeguarding democracy from violence and force, we think it desirable to have the State Bar to give study to the fundamental principles of our democracy and that they use suitable opportunities to discuss the safeguard of liberty and democracy among the people at large. We recommend that the State Bar study as to whether or not it would be advisable to establish military

training in connection with literary and civic education in all of our schools in every grade from the grammar grades to the end of the college course, blending the education of our youth's construction of military science and art and the instrumentalities of war and also the education for peacetime and the ordinary business of the country in times of peace. It appears to us that such a system of universal education on both subjects would materially safeguard our liberties and our democracy.

I further recommend that the members of the State Bar study the advisability of enacting laws, through congress and through the state legislature, requiring instruction to persons of foreign birth who come to our country to live in the principles and practices of our democratic institutions and that the national and state government cooperate in establishing schools of instruction wherever practical to give such instruction and that before an immigrant is admitted to our country, such immigrant should have some knowledge of the institutions of our country and should manifest his willingness to submit to the course of instruction and study as a condition of being admitted into the country and that before being naturalized or admitted to citizenship, they should pursue such a course of study as would give them a general idea at least of our institutions and government and, before being admitted as citizens, their loyalty to such principles should be tested in some appropriate way to be worked out.

It is further recommended that our government be urged by members of the Bar to use the treaty-making power and other powers of government in promoting the carrying of knowledge of our institutions throughout the world in appropriate manner, such as printing and distributing suitable literature, the training of teachers for foreign service in any country where such is permitted so as to make the world safe for liberty and democracy, it being our opinion that the educational process is far superior to the application of force, although force at times must be used for the safeguarding of liberty and democracy and in the present struggle must be applied without stint or limit until safety is secured.

After victory, the educational processes should be used to the utmost of our ability to prevent future aggression by organized governments against governments of liberty and democracy. I believe that a thoughtful Bar can do much to assist in the safeguarding, through educational processes, the future of liberty and democracy.

It is further recommended that the State Bar and all of its members give thoughtful study to the questions of crime, criminal punishment and the reclamatory institutions. It is our belief that the educational process must be used to a greater extent in the future than in the past in acquainting those criminally inclined, as well as those underprivileged, in what our criminal laws are, why they are necessary, and the proper methods of teaching the virtues of good citizenship among our present population and also in our schools. If we could reach the youthful minds of the criminal element as to the futility of crime and the blessings of good government and the need of citizens to respect and obey the laws and

to assist in the proper enforcement and observance, it would, in our opinion, be effective aid to the constituted authorities who are required to enforce our laws. We recommend that a study of the convicts or criminally inclined, for the reformation of the criminals convicted and placed in prison, be taught at suitable hours in all prisons under the state government. We also recommend that the thoughtful members of the State Bar study and draft articles, pamphlets and books designed to give education in citizenship, respect for law and the futility of crime. Also that the influence of the State Bar be used in creating a suitable system of instruction for prison use and for use in families of criminals, to be provided for by law. We believe that a proper parole system, giving such instruction and making such investigations as are needed for a fuller understanding of the conditions affecting crime and disrespect for law should be prepared. The State Bar, in our opinion, should study the advisability of offering some inducements for good behaviour and good character and reformation by our prison population and our criminal element. Wherever it is possible, where profit is made from the convict system, either by county or state, some part of the profits should be awarded to the families of the convicts who give evidence of repentance, reformation, and study. Some method, in our opinion, should be found, by which a better understanding of the good in the government and the necessity of right and order and the proper law observance, to supplement our penal systems and we should look more to reclamation than to punishment, although punishment is a necessary part of reformation and reclamation.

We realize the imperfections of any man or committee in framing any law dealing with such important subject, but, with the hope of serving somewhat as a guide for a study, we submit herewith a copy of the bill covering the ideas above expressed and with a hope that it may serve as an ideal to be dealt with and thought about and made more perfect. This bill, of course, can be more perfect and it is the desire of the committee that the matter should be studied and that the bill should be printed in the proceedings of the State Bar for study, criticism and improvement.

Respectfully submitted,

Geo. H. Ethridge, Chairman of
Study Committee

Harry Bryan
Ross R. Barnett
Ben Stevens
Herbert Holmes

---

On motion of Mr. Robert Burns, Jr., of Jackson, the report was adopted. After two other committee reports had been received, on the suggestion of Mr. Charles B. Snow, of Jackson, and on the motion of Mr.

David E. Crawley, of Kosciusko, the motion to adopt was reconsidered and the report was then adopted with paragraph 7 stricken out.

---

The report of the Committee on Americanism was handed to the President who turned it over to the Secretary in order that it might be included in the proceedings. The report follows:

## REPORT OF COMMITTEE ON AMERICANISM

In this report we limit the word "Americanism" to the United States of America.

Physically the size of the Earth is approximately the same as it has been for centuries, but relatively its size has been greatly reduced. Modern discoveries and inventions have brought about methods of communication and transportation so that now no man liveth unto himself, and no nation liveth unto itself.

The slogan of World War Number One was: "To make the world safe for democracy." The War was won, but the fruits of victory were lost, because democracy was impotent and incapable of measuring up to the responsibilty of its opportunity. Consequent of said War and the inevitable depression thereafter the peoples of Europe and other Nations were in dire poverty and distress, and were ready and easy victims to any pseudo-Moses who promised to lead them out of the wilderness. This was the opportunity for Hitler and other lesser totalitarian leaders to establish themselves. And while the Democracies of the World slept, Hitler and his ilk were building up the most gigantic war machine the World has ever known, including not only mechanized implements of war on land, in air, and on and under the sea, but also a generation of soldiers bred and reared in an atmosphere of a philsophy of race superiority, and that *might* was *right*. And this was accompanied by an artful ingenious and false propaganda that reached the furthest ends of the Earth, and even found lodging, to some degree, in the United States of America.

We were at ease in Zion and mindless of the warning that eternal vigilance is the price of liberty.

In the meantime we were having troubles of our own. In these United States the financial, economic, industrial and agricultural machinery of our social order got out of gear. Accumulations of a life time were being lost. Homes were being lost. Many of our citizens were hungry and naked, and unemployed, financial institutions were being wrecked, gaunt famine, fear, distrust and insecurity stalked the land, and erstwhile true and tried, loyal patriots began to see red.

At this time Democracy awoke and placed in the White House that Man of Destiny, and he and his administration saved, for the time being, our land from a bloody revolution. A comparatively peaceful revolution

did take place, and hope and courage were revived in the minds and hearts of men.

But the seeds of war had been sown. They germinated, grew and came into full fruition in 1940, and from that date World War Number Two really began.

Since 1787 our Democracy has been on trial. It has not yet fully proved itself, but it has been and is yet a noble experiment. For more than one hundred fifty years it has been an asylum of safety and a bivouac of liberty for its citizens. With few exceptions it has enforced its guaranty of life, liberty and pursuit of happiness to all of its citizens, including the most helpless minorities. The mind and spirit of those great men who framed it must have been made after the similitude of the Spirit of the Great God, our King.

Who is this American, whose way of life and whose social order, constitute what we are pleased to call Americanism? He is a composite man. Through his veins courses the blood stream that originated in almost every race of the human family. America has truly been the melting pot of the overflow of the human ore of the old world, and made of it the pure metal without alloy, a patriotic American citizen. He has chained the lightning, harnessed electricity, solved many mysteries of science, discovered the secrets of nature, cleared the wilderness, controlled the floods of mighty rivers, removed mountains, connected oceans, and has soared above and beyond the atmosphere into the stratosphere of the ethereal dome to such dizzy heights as to reach out of his pilot seat and almost touch the Face of God. He has lived a life and made a civilization never equaled in the history of mankind.

He has pioneered in new fields of human endeavor. He has opened the door of opportunity to the meek and lowly. It is needless to recount all of his accomplishments. Suffice it to say that it has all been accomplished because of recognition of that fundamental philosophy that he is an individual man and entitled to individual rights, privileges and responsibilities. No civilization can be truly great unless it recognizes the rights, hopes and aspirations of the individual man.

But Democracy is still on trial. Some dangerous symptoms are being manifested in the body politic, growing out of the fact of the lack of self-discipline upon the part of the individual and his refusal to submit to properly constituted authorities, and his failure to recognize the rights and liberties of his fellow men. This is a danger signal. It is serious, because of the lack of proper training and education of our individual citizens. It is a serious menace, because we are still, to a greater or less degree, under the reign of the Demagogue not only in politics and religion, but in many other groups.

It has been said that a Democracy can function reasonably well in time of Peace; but that it cannot function efficiently in time of war, because power and authority are not concentrated in one or a few individuals. Our present administration has, to some extent, disproved this

argument. It has, by its good neighbor policy, cemented the ties of friendship between all of the Americas, and today the Western Hemisphere is practically united in its determined desire and effort to successfully resist the common enemy.

This War will be won by the Allies; but at an appalling sacrifice not only of property, but of sweat, tears, blood and life. After this war is over we will then be confronted by the herculean task of establishing the machinery for a permanent peace. Past experiences will be helpful in solving this problem. The solution thereof will call for the best talent of the World. Members of the Legal Profession should be or ought to be the leading minds in planning, enacting and executing the fundamental plans. A Federation of the Nations of the world will be necessary. Provincialism will have to be discarded to a great extent. The foundation stone in this world wide structure will have to be "the Fatherhood of God and the Brotherhood of Man." To make it effective, the old men will have to dream dreams, and the young men will have to see visions. If this Federation is accomplished and functions successfully, the fond and noble dream and hope of Lord Tennyson will become a reality and the Nations of the World will bless his memory. But it is hoped that the builders of this new world, and those who lay the foundations therefor, shall preserve, so far as possible and so far as is meet and proper, the best traditions of Americanism. To our minds a peculiar opportunity and responsibility rests upon America. America today is the Greatest Nation in the World, and has been blessed with prosperity and power. At the Peace Table its power and influence will and should dominate. Paraphrasing the appeal of Mordecai to Queen Esther when he said: "Who knows but that thou has come into the Kingdom for just such a time as this." Who knows but that in the Providence of God our Great United States has come into its position of power and authority for just such a time as this to save the civilization of the world.

Respectfully submitted,

F. C. Holmes

---

The report of the Committee an Unauthorized Practice of Law was given by Mr. Charles B. Snow, of Jackson, Chairman of the Committee.

## REPORT OF COMMITTEE ON UNAUTHORIZED PRACTICE OF LAW

Your Committee on Unauthorized Practice of Law has held no formal meeting during the year.

It was the opinion of the Committee that this Committee at present is a standby Committee, the activities of which ought only to be called into being when there is some definite problem to be dealt with. Such a problem has not been apparent this year and the Committee has received

no complaints from the members of the Association or from any other source.

The Committee itself is composed of members of the Association from all parts of the state and there has not been observed by the members of the Committee sufficient unauthorized encroachment upon the practice of law to require any action by the Association.

During the year there has been some comment on the laxity in the admission to the Bar, particularly in the laws governing admission of persons coming into Mississippi from other states. While the Committee has felt that there is vast room for improvement in this regard, it is of the opinion that this is not a question within the jurisdiction of this Committee on Unauthorized Practice of Law, but comes within the jurisdiction of a committee having to do with rules and laws governing admission to the Bar.

While it may be that there is no active work which profitably may be done by the Committee on Unauthorized Practice of Law, this Committee recommends that the same be continued in order that any problems which may arise in the future may be properly dealt with by the Association.

Respectfully submitted,

Chas. B. Snow, Chairman
John W. Savage
George W. Currie
E. B. Williams
J. J. Breeland
J. P. Edwards
J. W. Cassedy
Joe E. Brown
George R. Neblett
Richard Denman
J. E. Caradine
Allen Bridgforth
Frank G. Thomas

---

President Currie called for the report on the Law Journal. This report was given by Mr. Robert C. Cannada, of Edwards. The report follows:

## FINANCIAL REPORT OF THE MISSISSIPPI LAW JOURNAL VOLUME XIV

### Receipts

| | |
|---|---|
| Appropriation of State Bar Association | $1,915.35 |
| Law School Assessment | 146.00 |
| Sale of Back Numbers of the Journal | 80.00 |

| | |
|---|---|
| Subscriptions | 205.20 |
| Cash Advertisements | 260.00 |
| Accounts Receivable—from advertisements | 40.00 |
| —from State Bar Association | 334.65 |
| Balance Brought Forward | 36.20 |
| Total | $3,017.40 |

DISBURSEMENTS

| | | |
|---|---|---|
| Printing and Distribution of Journals: | | |
| Vol. XIII, No. 5 | $606.12 | |
| Vol. XIV, No. 1 | 617.85 | |
| Vol. XIV, No. 2 | 531.38 | |
| Vol. XIV, No. 3 | 625.47 | |
| Vol XIV, No. 4 | 386.40 | |
| | | 2,767.22 |
| Misc. Exchange and Banking Expense | | 17.00 |
| Postage, Box Rent and Expense | | 31.75 |
| Stationery | | 29.60 |
| Office Expense—purchase of Journals, construction of book cases, and typewriter repairs | | 10.00 |
| Surplus | | 161.83 |
| Total | | $3,017.40 |

On motion of Mr. B. B. Allen, of Indianola, the report was adopted. Mr. Marion Reily, of Meridian, then offered the following remarks:

MR. REILY: I would like to make a motion. I feel that this Bar Association through its record, should extend to the entire editorial staff and those responsible for the editing and publication of the Mississippi Law Journal our sincere appreciation for the meritorious publications issued by that organization and I therefore move, Mr. President, that this Bar Association do here and now put itself on record as extending to this organization not only our sincere appreciation, but our sincere and heartfelt congratulations on the worthy efforts that they have put forth and on the content of the Journals that have been issued throughout the preceding year.

The motion was seconded and adopted.

The report for the Junior Bar Section was presented by Mr. John Morgan Stevens, Jr., Chairman of the Junior Bar. This report follows:

## REPORT OF JUNIOR BAR SECTION

The Junior Bar Section has carried on a full program of activities for the year patterned after the work done in former years, but since Pearl Harbor the members have been going into the military services so

rapidly that we now have in this convention an attendance of Junior Bar members of only 75 or 80 members, or only 25% to 30% of the normal attendance.

Having in mind the work of the Junior Bar Section would be restricted for the duration of the war because so many of our members would be gone, I prepared and presented to the Junior Bar Section, and it approved, a report which summarized the work of the Junior Bar Section since its organization. The Junior Bar Section was created in September, 1936, and constitutes a standing committee of the State Bar, the members of which are all members of the State Bar under thirty-six years of age. Its powers are unlimited but all that it does, of course, is subject to the approval of the State Bar. We have a full set of committees patterned very much after the committees of the State Bar.

In my report I reproduced the resolution creating the Junior Section and reviewed all of the work that has been done before and suggested a few fields of activity which the Junior Bar has not developed. Those are: A statistical study of crime and delinquency generally, and I call attention in this report to the organization of the Mississippi Association of Crime and Delinquency and to the fact that a considerable number of directors of that Association happen to be Junior Bar members. It is recommended in this report that the subject of juvenile delinquency be made the subject of study by the Junior Bar Section and that the Junior Bar Section take proper steps to coordinate its work with that of the Junior Bar Conference of the American Bar Association. We are an affiliated Junior Bar Section with the American Bar Junior Conference. That conference has great need of representation throughout the states. Our section has attained very considerable recognition and prominence because of the work which it has been doing, and it is my hope that such affiliation will be continued so that we will continue to receive the recognition that we deserve.

We have a Committee on Admission to the Bar. Charles Sisson, of Clarksdale, Chairman of the Committee, has not made a formal report. Mr. Sisson is not present, but the Section voted in its convention to continue that committee and to instruct it to continue a study of the subject of Admissions to the Bar generally, and particularly to make a study into the qualifications of applicants for examination so far as those qualifications deal with the residence of the applicant. It is expected that the committee will report at the next session and the suggestion has been made that applicants to be examined by our Board of Bar Admissions should be qualified electors of the State.

We have a Legislative Committee of which Hon. Maxwell Bramlette of Woodville, a member of the State Senate, is Chairman. That committee functioned during our legislature and presented various legislative matters as recommended by the Junior Bar and approved by the State Bar. Two of them came to completion. The proposal authorizing the amendment of declaration without the leave of the court prior to answer or plea, and the proposal that the state should re-publish its Code. That proposal was enacted and a bill providing an appropriation of $50,000 by which the At-

torney General is directed to re-publish the Code, if he can, in small volumes.

We have a committee on Cooperation with Young Lawyers which has done excellent work for several years in succession. That committee from time to time has conducted surveys in the state which had as a basis to determine the county and judicial districts where openings for young lawyers exist and where it would be advantageous for a young lawyer to locate and practice. That committee has met from time to time with the Law School at the University to address the graduating members and to counsel with them. The committee will be continued but, because of the war, it did not function this year and could not, but it has a valuable set of records made over a course of years reflecting those places in the state where opportunities exist for young lawyers to locate, and those records and that work will be continued so that when our boys return it will be available to them.

We have a Committee on Unethical Practices of the Law, but that Committee did not report during the year.

We have a Committee on Encroachments on the Practice of the Law. A splendid report was filed by the committee. Nothing new was proposed. The report brought forward two prior reports of this committee urging that publicity and pressure be exerted to prevent unauthorized practices by court clerks, justices of the peace, banks and fiduciary laymen, adjustors and others, and we believe it well to have that subject kept alive and fresh. For that reason the committee filed its report showing the action which the Junior Bar has taken before which action has been approved by this body and recommended that those matters be continued as subjects of discussion by the Bar.

We have a Committee on Public Relations which did not function this year. The Chairman went into military service and it was impossible, under the circumstances, for the committee to do its work.

One of our new committees appointed this year is the committee on Cooperation with the Junior Bar Conference of the American Bar. Its Chairman went into military service and after the Chairman was gone, the Chairman of the Junior Bar Conference appointed me as Chairman for the State of Mississippi for the Junior Bar Conference. I trust that those arrangements can be continued from time to time so that our work can be recognized by the Junior Bar Conference and so that we can profit and benefit by the work it does.

We have a Code Committee, the purpose of which is to recommend needed statutory revisions in the laws as we have them. That committee presented its report. We have no legislative convention during this administration of the Bar. The report of this committee recommends adoption of specific statutes set out in this report. Our practice heretofore has been to present those to you, item by item, and ask their approval. Our program is running behind and since there is no urgency, I simply want to state the work of the committee and leave with the new Chairman and

new administration for further presentation to the State Bar the work of that committee. The fields which it recommends are:

1. A statute dealing with foreign corporations in the state.

2. An amendment to the statute providing for appeals from the Board of Supervisors to the Circuit Courts so as to provide for appeals in matters dealing with the issuance of bonds only to go to the chancery court which will entertain validation proceedings so that the appeal and validating proceeding will be in the same court, and that applies likewise to appeals from the governing board of a municipality, the issuing or refusing to issue bonds. All other appeals remain, and the only purpose is to provide a method whereby an appeal from an order for the issuance of bonds may be heard by the same court conducting the validating proceeding and may be consolidated if that is the proper thing to do.

Next, the committee recommends that a law be adopted requiring foreign corporations to file an annual report to show who their officers are and where their domicile remains. We have no method now whereby you can go to the office of the Secretary of State and identify the officers of a corporation which may be years old, and nothing other than the report of the organization when created is on file. We proposed an amendment to the section of the code requiring foreign corporations to appoint an issue for process so that if the agent leaves the state, or dies, the Secretary of State may be served and, going further, to provide how the Secretary of State shall deal with that process so as to insure, as we conceive, the constitutionality of that method of service. The committee recommends the adoption in Mississippi of a uniform declaratory judgment act so as to open the doors of the courts of Mississippi to declaratory judgment. The committee recommends the repeal of the section in the act creating the Highway Patrol whereby the investigations as made by it are private. These reports are not evidence, but they do contain information valuable to attorneys and parties involved in right.

Next is the recommendation to provide more clearly for the venue of actions against insurance companies in the county in which the insured or beneficiary resides. Finally, it is proposed that the statute creating the Unemployment Compensation Commission be so amended as to authorize the court to require the production of records and reports from employers which are now absolutely and unconditionally privileged.

Gentlemen, we are not in position to discuss these matters item by item, and I will hurry along to the balance of the work of the Section.

The Section adopted a by-law which provides for the election of honorary members to the Junior Bar Section from the members of the State Bar. No more than two can be elected in any one year, selection to be made upon nomination of the Executive Committee of the Junior Bar Section.

We have our Study Committee and that Study Committee has prepared a very excellent report. Our Chairman-elect, Frank Everett, of Vicksburg, presented that report and took part in its preparation, and I desire to

ask Mr. Everett to state the work of that committee to you, but we are anxious not to infringe upon Senator Pepper's time. The suggestion has been made that we report on the work of this committee and complete our report after lunch. I am certain that there will be no objection to our following that course, so with your permission, we will lay this aside and I will turn the floor over to Mr. Currie again.

---

President Currie then presented Chief Justice Smith, of the Supreme Court, who presented the next speaker, Senator Claude Pepper, of Florida. Senator Pepper's address follows:

## A DEMOCRACY TOTALLY MOBILIZED TO WIN THE WAR

Claude Pepper

When the gracious invitation came to me to make this visit and gave Mrs. Pepper and me the opportunity to visit old friends and come again to this favorite spot in the South, we readily embraced the opportunity and we both from the bottom of the heart thank you for it. There is nothing costs me more by virtue of my office, detached from my state, than the experience of missing attendance at the State Bar Association today. Never has an individual heard as good singing as we used to do in the evening hours of those State Bar Association conventions, and I have never heard decisions and opinions as learned as those which were delivered somewhere around midnight on those choice occasions that linger so tenaciously in my memory. There is a spirit of comradeship, a spirit that holds one's heart in very strong clasp, and, although this experience is not in our state, my wife and I are very happy to be able to enjoy it.

This is in distinct contrast to the last visit that I made to this community. That was when the bereaved nation came to see laid to eternal rest in this community the remains of not only one of America's most beloved, but one of her greatest men, your Senator, America's Senator, a leader and Senator of free and good men—Senator Pat Harrison. I will never be able to discharge my personal debt to Senator Harrison. Most of us know that Judge Waller who honors Mississippi as he honors Florida on the bench today would experience nothing happier than to be here with so many old friends. Judge Waller was Senator Harrison's first secretary when he went as a young man of about thirty to the House of Representatives in Washington. By coming to be the law partner of Judge Waller in 1930 I inherited his own affection and intimacy with Senator Harrison. He used to stop with his family on his trips to and from Washington at Judge Waller's home in Tallahassee and I was privileged to know him in that fine environment.

When I went to Washington after the election in 1934, the first man upon whom I called was Senator Harrison, and, as he always did to any young man who came to that body, he took me almost in his arms and guided me to be appointed on committees to which I aspired—one of which was the Foreign Relations Committee. By speaking to friends, associates

and Joe Robertson, then leader of the majority, he made it possible for me to have the opportunity which has meant so much to me in the intervening years, so I was one of the army who loved Senator Harrison and will always revere his honored name.

I am glad to come here because I love the South. It has been a good long time, since before 1700, that my people have lived south, in the great old state of Virginia, and I was bred and brought up in the traditions of the South. Two grandfathers wore the honored gray in those troubled years of '64 and '65. They sleep in honored graves which I revere. I love to see the South growing, coming into the realization of the destiny that those early patriots dreamed for it. I am glad to be a member of a generation which is making many of those aspirations for the South come true. We are seeing great industry grow up where there was once only the support of agriculture; we have seen resort areas come into prominence in the nation and known to the wide world. The South, therefore, is coming economically to the forefront of the nation.

Again I am proud to see the South speaking in the nation's councils sentiments of statesmanship and courage. Not one of the nation fails to know that it is the South which most readily and courageously foresaw that menace and responded to it without stint or thought of sacrifice. So today there is no county all over our South where the number of volunteer soldiers is not so great but that even today there have been only a few men called in response to the Selective Service rules and regulations. We are proud of that. We are proud that already Southern men, men of the South, have carved their places in the respect and the esteem of the whole nation by being among the first of the heroes who have given their lives that the liberties that their Southland cherishes might be preserved as a pure inheritance for all men.

And it is well that today we are aroused about our public problems. I have frequently said that the most important private business a man has is his public business. Yet there were so many who not so long ago did not see that simple fact. There were certain myths current in the earth; one was that what happened in a section geographically remote did not affect the people elsewhere. It was all right for the Chinese to be subjugated in Manchuria; it was all right for the barbaric Ethiopians to be trampled by a petty Mediterranean pirate. That had nothing to do with the waters of the beautiful Gulf, nor did it affect the great land of America. There were others not quite so sensitive to humanitarian impulses who said it was no immediate attack upon us when a dictator massacred, butchered and cruicified the just in a foreign country and a foreign continent. What had that to do with the security and safety of America and the preservation of civil liberties to the race of men? Yet we have seen how a spark of brutality and barbarism lighted thousands of miles beyond the seas has been turned into a world-wide conflagration that today is a holocaust opening its yearning arms to embrace the victimized earth. So men today are beginning to lift up their eyes to see the wide horizons of Hitler and they are looking back over the span of time to see whence came these evil times which today so vigorously attack us.

But as we remember a scant generation ago, we can see an army of heroes returning to this country and continent from a foreign war. They had crossed the seas, they had marched on the European battle front under foreign flags and had died upon European battle fields. They came back here expecting to see gratitude in a nation's eyes and a people determined to vindicate and preserve everything that they had won upon the hard battle field of war. On the contrary, they came to find the people tired of regulations and restrictions, chafing under the necessary improvisions of war time, anxious to be free from concern about fellow men, wanting naught but to satisfy their senses and, in too many cases, to turn their private and public lives into channels of licentiousness, of avarice, and greed. The result was that private immorality crept into the hearthstone of too many American families and the slime of corruption actually crept almost to the doors of the people's lives and a world sank into the greatest disruption of morality and decency seen in modern times. In Europe there was economic and spiritual chaos, defeatism, and confusion.

The world economy which had already become single even in Napoleon's day, that was much the same pattern that kept Napoleon's whole power and his continental system in force and kept trade from Europe and the British Isles separate. I say that single world-wide economy, jarred and torn and rent asunder by the World War, needed to be put together again and patched, to be re-ordered and made into a whole garment to serve a whole world. But it was allowed to fall apart into worse disorder, to become more sadly torn. Now I remember that Chancellor Breuning, the former Chancellor of Germany, preceding Hitler, speaking publicly in Washington said there were three things primarily responsible for giving birth to the evil Hitler. The first was the unwillingness of the people of Europe to keep governments in power long enough adequately to cope with these challenging post-war problems; the second, the inability of the governments of Europe to meet the problems of currency stabilization so that there might be a medium of exchange through which the goods and services of the people of Europe and the earth might be exchanged; and the third, the inability of the governments of Europe to meet satisfactorily the challenging problems of the trade barriers and the economic war that made impossible the pattern of a single world economy.

Who was responsible for those things? Who was responsible for the breakdown of the experiments of democracy in this new and strange climate of Germany? Imagine this infant coming to birth in a hostile atmosphere, in an antagonizing tradition of warriors. In the whole German nation the spirit has been from time immemorial the warrior tradition; their glamorous heroes were the Teutonic knights from whence they sprang. They were a people who made war the chief instrument of their policy from the beginning of time. Their spirit perhaps has best been taught in the lines of J. K. Justice in which he says:

> "Their gods were sadder
> Than the seagods of a wandering will,
> Who cried for blood
> Like beasts at night sadly from hill to hill."

Imagine therefore a nation, a great nation, completely rent asunder, impoverished spiritually, defeated, with no hope to realize even legitimate aspirations because about them were a callous and indifferent group which had won the victory over them in the days of war.

Consequently, in Munich in 1938, Mrs. Pepper and I were able to see the scars on the public buildings of street fights with the communists and conservatives and soldiers where three thouand fell in civil war in those troubled times before Hitler. We were told by friends whom we visited there that a lady could not wear a good coat down the street in those times lest it be torn from her back by some culprit. Audiences could not sit through a performance of a show without the noise of machine guns with their staccato disturbances in the street drowning out the utterances of the players on the stage. No jobs, no money, no security, no hope, no order, unhappily that was the germ that produced the devilish and satanic Hitler.

Here, in America, where the hope was that those conditions might have been avoided, instead of putting our hearts and our shoulders to the wheel and our heads and our courage to the effort, we buried our heads in the shallow sands of isolation and hugged to our breast the delusion and folly that we were detached from the rest of the race of man. And the people of America followed the Henry Cabot Lodge logic and the little group of willful men instead of that prophet of peace and goodness in the future, Woodrow Wilson.

And so, today, we are paying the price for the indifference of that time . We are, however, one generation that has an opportunity to redeem the opportunity that it once lost. By the losing of the peace we have had to fight another war. The challenge today, therefore, is whether there is within our grasp the possibility of meeting that opportunity by the winning of this cruel and comprehensive war.

It is impossible, I think, even for a soldier to comprehend the magnitude and the scope of the struggle going on in the world today. Although Hitler is just the leader, he is not the whole movement, for it grows out of a restlessness that penetrates to the very heart of the race. Men are seeking freedom and security, the realization of legitimate aspirations. They have not been told by good men how to live. They have followed the counsel of quacks, evil men who have made their sad discomfort the horse upon which they ride to world power and domination. But today the evil men are in the saddle. They are organized. They have almost unimaginable power.

Hitler leads a nation of eighty million people. They are a people of great genius for organization. Their scant resources have been mobolized in a way that challenges and must challenge the admiration of all men. They have been accustomed to state control. They have built up a bureaucracy that is efficient, that knows how to govern in times of crises. Because of having so little they have had to make the best so long of what they had. Then they knew what they wanted. They have had a definite objective and purpose. They had Hitler pointing to the horizon, calling to

the young men, "A thousand years of domination lies ahead of you. You will have the earth to loot and to enjoy. You will be the new aristocracy that will stride across the continent. You will be the envy of all men." They put them in the schools even from the time they are children to impregnate their hearts with evil designs so that today there is a race of perverts in Germany.

It is as if a teacher, some devilish, satanic teacher shut a child in an artificial environment and taught him twisted concepts of life—that good was bad, bad was good; that right was wrong, and wrong was right; that brutality and force are the only just and fair arbiters of the causes of men —made them believe that fantastic philosophy, that they had been preordained and destined by the gods of the universe to be the master of the whole family of men. So today with a fanaticism that is comparable to the Ziska where they lock their arms and march singing into the jaws of death, these men with twisted minds are following this evilest and ablest of all genuises to the greatest attempt that the world has ever seen of the conquest of the whole earth.

In the Far East, there is that base and inferior people who dreamed of the day when they could strike down the men they envied and hated, the white man; to humiliate him; to make him the footstool. So they, in collusion with this other monster, formed a world-wide conspiracy against international freedom, and, of course, they struck pursuant to that philosophy under the sham pretense of good faith their fatal blow.

And today, they have conquered a total of one hundred twenty million human beings. They have gained the mastery of the essential sources of strategic and critical materials. They occupy positions that offer geographical advantage in the world contest. They are challenging the power of any people to dislodge or overcome. Working toward each other with a predetermined plan to form a rendezvous in India these mighty forces, like a gigantic pincers, are forming their links together to make a unit that will dominate the three continents of Europe, Asia, and Africa. If they succeed in these designs, they will be the master of seven-eighths of all the people of all the world. They will have under their occupancy twice as much land area as there is in the rest of the lands of the earth. They will dominate a quantity and quality of material without which no other nation can build an effective modern mechanic defense. This is a frightening prospect.

There are so many people deluded today by foreign propaganda and honestly made complacent by over-optimism that deep in their hearts they think those evil powers are about on the verge of collapse from weakness and distresses from within their own borders. My fellow Americans, if I could eradicate that thought from a single mind, you and I would have performed a valorous public service. Hitler is no more on the verge of collapse than Samson before his hair was shorn. He is literally a giant that stands astride a continent almost ready to put his conquering foot upon a second continent and to join hands with another foe in the possession of freedom. Whether he shall do it or not depends upon the issue of this

calendar year, 1942. A hand that would emanate from the mind of an omnipotent god, I think, would make a big cross upon the year 1942 for in that year shall be determined what shall be the destiny of man.

There are at least two or three things, therefore, that are apparent to all of us. This first is that the Japs must be confined to the Far East. They must not get out of the Pacific; they must be kept east of the borders of India. They must not be allowed to disseminate those heroic Chinese who for four years almost bare handed have held that position.

Hitler must not be permitted to get out of Europe. Today he has three hundred million people within his sway. They have been melted together into a single economic unit in a way history has never seen before. A part of the continent is devoted to agriculture, a part to industry. Native populations are moved around as animals would be herded from one place to another, and the whole people are bearing his miserable yoke upon their necks to serve him. Their factories are turning out his ammunition, their fields his produce and food. And they nurture his evil system with their enforced strength. But remember while in 1914 to 1918 they had the Krupp Works in Germany and a few others and a bit of additional strength in Austria and their weaker allies, today they have the Skoda Works of Czechoslovakia and the Schneider Works of France and the Krupp Works of Germany and all these others as well. So he is fed and nurtured by a continent of people who are all in enforced slavery. You must realize also in 1914 to 1918 except for a little assistance rendered by their other allied fleets it was principally only the German Navy that infested the seas and fought against the British, American, Italian and Japanese navies and the lesser ones on our side, whereas today our strength is so very, and so pitifully, less, until the very isssue of sea power is still in the balance. For the first time, these placid waters of the Gulf are infested with the submarine.

When you see the prospect you see the necessity therefore of keeping Hitler out of the Near East, keeping the Russian barrier across his eastern border. Those new friends, those brave comrades of Russia will always be the creditors of the race of free men by the gallant fight they have made.

Of course, the British and American Navies must be kept around the continent of Europe. More than that, these air forces must daily and nightly continue to bruise his evil head. But even that is not enough, for in this calendar year, if he crushes the Russians, God only knows how long this contest shall be drawn out, for without that land army to face him I shudder to think what the cost to America might be to carry out our determination utterly to destroy Hitler's strength from the face of the earth. And so I say there is another necessity; that is, to take that policy and those tactics which are characteristics of America's whole history, to take the offensive in Europe and strike at Hitler so strongly he will not have a chance to crush either the Russians or us.

Obviously, to do this means sacrifice in money, and men, and material. But can anyone calculate what it would cost us with Russia torn down, with Britain broken, with the Chinese destroyed, with the Hindus

but his footstool; if there were left but the western hemisphere under the leadership of the American people to carry on to the mortal end this world-wide and unending struggle between free and evil forces? So whatever the cost, it would be small in comparison to what the alternative would demand of the American people. Obviously, therefore to do that, we have to keep the sea lanes open. These ships have got to be built; the men and material have got to be transported, for the fortification of an entrenched continent must be broken down. The soldiers buttressed therein must be destroyed. The air fields that dot the earth like green pastures must be dug with bombs that fall to wreck them. And altogether the race's determination must be concentrated upon the single task of destroying these tyrannical and dictatorial forces. Isn't it a tragedy that our generation should have that collossal task imposed upon us?

As we look back how easily it would seem it could have been avoided. Yet we saw with clouded eyes and paralyzed will one after another free nation fall, saw that reign of terror spread, disease of conquest contaminate the other areas of the earth, and we did nothing to solve or anything to indicate that we even perceived it. How we have demanded of God that he give us the indulgence of time! So long we have asked Him to let us wait! So long we have taken to do even what little we have done! So long we were in making up our mind! So long we were in appreciating what was really involved in this conflict!

Men were saying that we had no danger save from our President. I debated in Boston, in July of last year, with a certain United States Senator—Senator Nye—on the question of foreign policy and he spoke for thirty minutes to an audience of American teachers and school officials and at the end of his discourse the only impression an observer would have had was that the menace to the safety and security of the American people was centered in their White House where the President was scheming devilishly to destroy democracy. I don't know whether those heads, bruised by an exacting public opinion, are forever destroyed, or whether they are just hiding behind some safe rock ready to strike again when the unsuspecting passer-by comes in their path.

That will have to be determined by the American people, whether they will let the poisonous fangs again sink into the arteries of American security, whether they will listen to serene voices. What will happen to American morale and determination if the war goes badly through the year, and through the next year, and maybe the year to follow, when the sacrifices become great, and the whisperings of the appeasers begin to find an audience in the ears of a sad people who say "Let's quit." "Is it worth fighting for?" "What do we gain after all?" "Why not be safe here at home?" "Why go to the remote corners of the earth to save all men when we are concerned only about ourselves?"

So the short-sighted would sometimes readily embrace that emasculate and dangerous philosophy. Only, then, if American public opin-

ion throbs with much vitality and power that it will not countenance such a doctrine, can the country be secure against the assassination from the inside of its most valuable point, its people. But I don't need to tell an audience of Southerners that this country has formed an unshakeable purpose, that we shall never quit until these menaces are utterly destroyed whatever may be the sacrifice to us.

There was a time when those heroic British friends of ours stood alone against the evil world. It looked as if no logic could save them, and they would not have been saved—that is not any statement, but it is the testimony of the ambassador, the ambassador to Belgium before the Senate Relations Committee in my hearing—if it had not been for the courage and wisdom of President Roosevelt in sending guns and shells to Britain after Dunkerque, undoubtedly the British would have fallen. After that time, though, the brave British people did not have two divisions of soldiers in the whole British Isles. They were almost stripped of weapons. They would have had to fight with staves and sticks and stones. Yet, at that time there was a leader who spoke from the British hearts words that moved the earth and will always be a part of the epic of the race. In substance he said: "We will fight them on the beaches, we will fight them on the fields, we will fight them in the hills, we will fight them in the dungeons, we will always fight until eventually these evil forces shall be destroyed."

Now today, that is the position of America. God forbidding it, China and Russia and Britain shall never fall, but if they do it will not shake the determination of America to save the good earth for good men. And so those who have always believed that God had a destiny for this people he nurtured here upon this broad land, these people he saved for so long through so many crises, now believe that we are at last worthy to march to the bar of justice and to say, "Father, we are ready to do Thy bidding."

And we are. Today only America can save the world. And by the world I mean the world which we know and love, the world that lets the family dwell around its own fireside in safety and security, a world that lets men enjoy civil rights, a man to be little lower than the angels in the scope of the reach of his conscience and his mind, the kind of a country where a man can work and live and grow greater by his own efforts and energies; but, more than that, a world that has a spiritual consciousness, that desire and purpose to make better the lives of men.

But when that victory shall at last come to our people, we shall only have partially won that war. This time for this generation we must win the peace as well as win the war. And there lies an even greater challenge than the winning of the war, for we know that we are going to win the war in God's own good time; that today these factories are belching forth their air planes and tanks and guns and from the waves are coming these ships that after a while will be a flood that will inundate the enemy, that wherever an American meets the foe, be he German, or Japanese, not to speak of those contemptible

Mediterranean pirates, American valor, chivalry and determination has almost without exception prevailed. All we need to do now is to put instruments in our soldiers' hands and quit bickering about profits, wages and hours, and work, and fight, and fight. But, imagine, if the war is a collossal challenge and problem to many people, contemplate the problem of the peace.

And yet, I find in what has happened already in the evolution of many, much encouragement. One day this whole continent here was broken into occupation by various nationalities. However, of our forefathers none could have envisioned that one law, one language, one government, one spirit might prevail from the Atlantic to the Pacific coast, from the Canadian woods to these beautiful waters that lie at your jeweled shores; and yet we take that as the natural order of this part of the earth.

We are not the only ones who have made remarkable progress. The British Isles, the British Empire, the British Commonwealth are not bound together in interests as we are. Separated by wide oceans, divided by literal arcs of the earth they are held together by hoops of steel, not by force, but a stronger cord of sympathy, sentiment, and understanding. So that teaches us that men may be of one brotherhood although they do not live in the same community.

And then, we look across the steppes into that strange and enigmatic land, and we find more than two score languages, three score nationalities scattered across spaces that even America can not comprehend, and today the Russians are fighting with a singleness of purpose and a solidarity and fervor that deserves the admiration of the world. And so the one hundred sixty millions of people under one banner are marching consciously toward one destiny.

Then, far in the east, is that victimized land of the gallant Chinese that has slumbered like a giant and been so often victimized by the selfish and greedy. Today, its own spirit is being resurrected out of the ancient tomb and it is having its own heart touched with new aspirations, its character impregnated with new determination and resolve. Four hundred million human heads are stirring under the leadership of their great Generalissimo. They, too, are marching to the sun. In India, that we thought a synonym of sluggishness, there too the light is beginning to burn. Men are striking off the shackles of lethargy and the brightness of its dream is reaching toward the ends of the earth.

So look what we have today. Three-fourths of the human race in the brotherhood of armies marching toward the mountain tops of a glorious peace. Is it impossible, therefore, for the rest of the world to be incompassed in the federation of spirit? What is there to bind us together? There are so many who say that we should have no constructive aims in this war. All we should do is throw back the dastardly Japs and hurl them into the craters from whence they came. Of course, we should do that. Others say let us throw back in the

darkness of their pagan forests the Teuton forces, these marauding Germans. Of course we should do that. But that is not enough. On the contrary, two of the bravest spirits that ever led men gathered not so long ago in the water of the Atlantic coast. There they formed, I rather say, they articulated a charter known as the Atlantic Charter for the human family containing in essence four principles. Freedom of speech and expression, contemplating a bill of civil rights for the whole wide world. All men to enjoy the inheritance which is so naturally ours here in America, holding up these beacon lights of challenge to them who come to the enjoyment of the new experience of liberty and freedom involving the correlative duty of learning how not to turn into license those cherished liberties of free speech and expression thereby involving the education and broadening, the understanding of the spirit increasing that understanding of the affairs of men.

And then, secondly, freedom of religion. Did you ever stop to think what a stirring challenge to world wide tolerance that declaration is? Freedom of religion, every man to have a soaring conscience that may reach into the ethereal realms beyond the eyes' grasp. A spirit that was expressed in Harry Romain's works in which he said:

> At the muezzin's call for prayer
> The kneeling faithful thronged the square
> And on Push Kara's lofty height
> The dark priest chanted Brahma's might
> Amid a monastery weeds
> An old Franciscan told his beads
> While to the synagogue there came
> A Jew to praise Jehovah's name
> The one great God looked down and smiled
> And counted each His loving child
> For Turk, and Brahmin, monk and Jew
> Had reached Him through the gods they knew.

And the third of that Atlantic Charter, freedom from want. Can one imagine that dream come true for the race of man? My fellow Americans, there have been so many who time after time had wondered about that great President in the White House. Was he too radical? Did he strive to stride too far and fast? What did he mean when he said make democracy work here in America? Why, what he meant of course was to temper the violence of the mob with reasonable satisfaction to keep it from ever forming. He meant to retreat before the inevitable march of circumstances in a reasonable and practical way. He meant to give men open doors of new opportunity to find how they might better serve their race and their country. He meant to train their hand and enlighten their hearts and open their minds, to lift them up, to give them the sense that they were a part of the race that counted and not the driven dumb herd of cattle that might be thought of as the masses of men.

I know that today we can not do these things. I know how great are the practical difficulties. I know what understanding, what patience, what endurance, how much of courage it would take; but I also know that we have come to understand in the earth and in men's affairs that when the Master who walked by the shore of Gallilee, spoke about the doctrine of the brotherhood of man, he was preaching a principle not only of morality but of hard, cold economy. We have learned that you can not be prosperous in an impoverished world; you can not be prosperous in an impoverished community. All the world today is interdependent. We, of necessity, buy from and sell to one another. We must teach these backward people how to weave and to spin and to make and to fashion and to polish. Let them make their own characteristic contributions to the commerce of our country. Help them out of the common reservoir of funds to supplant and develop their own resources. Give the world a dependable medium of exchange. Make men secure in the sale of their goods. Open the highways of the earth to the traveler and the merchant. Give him safety. Plan the whole movement of man's world so that all these little orbits shall have their own way and place that they will feel fits into a mighty constellation like the stars, where there is harmony, and symmetry, and freedom for all in their own sphere. How big a task it is—I can't fashion or draw its outline; I can only sense its existence and we can only strive toward its realization, but we shall some time or other learn that in life, selflessness is the best attitude to develop toward other man's countries as well as toward ourselves. And so freedom from want is a legitimate aspiration of this great effort.

And the last, freedom from fear, that fear that has haunted the heart of the race since it dwelt in those dark jungles and might have been the victim of attack from any night marauder; freedom from the grip of untold circumstances; freedom from the insecurity and loneliness of old age; freedom from the crushing subjugating experience of poverty; freedom from the horrors of universal negligence and indifference; freedom from the rapacity of one fellowman and freedom from the tyranny of one state.

Mrs. Pepper and I heard Adolf Hitler, with his own lips, those evil lips which have cursed the race of man, in Munich in Nurenberg in 1938, say, "The state is everything, the individual nothing." We propose to reverse that order—make the state the most effective servant man has ever had. Not freedom from any, but freedom from all fears. Man then shall, too, be emancipated, be able to walk like one of the great of the earth across the earth's rich and fruitful surface.

What relationship does that have to this group of lawyers? It has this very permanent challenge, my friends. In 1787, a vast continent was running from the tyranny of a foreign king by the impunity of a great leader and patriotism of a free people, but through seven long years it had fallen virtually apart until that cherished freedom was slipping from the grasp of that people. That man who was the American Revolution incarnate in body and spirit, that good man of Mount

Vernon, took the initiative in calling together a little group of men to counsel about the course of America, out of which hands came the invocation of the people to send delegates to the Constitutional Convention in Philadelphia in May, 1787. And there gathered together, in that great city, essentially a group of lawyers without precedence, without pattern, without plan, guided by only two forces—necessity and the suggestion of the Divine Spirit. They must save America and in God's will, they would. And so there, for four long dangerous months under the guidance of that great and good man, Washington, they labored together to build something that would preserve the hard-won freedom. And so they did, because they had to, because the impulse of their spirit said they must, they did.

They found a way in a venture that is typically American; they devised a document which a foreign statesman said is the greatest single document ever struck off at a single time by the mind and hand of man. To what else can this be attributed except for the enterprising, venturesome, pioneering spirit of the American lawyers, not hide-bound practioners, but statesmen whose vision was as broad as the horizon of the sky. They were devising a charter for the race of man to live by, and a document or a statute that would not change with changing circumstances. Was there ever so great a dream brought into reality in the history of the race? Now, again to what people does come that challenge to lay down that charter for the peoples of the earth except to the people of America? What other people can do it? What people would dare attempt it, save the yet unbroken, unshattered spirit of America? And what people in America can attempt it save those whose whole training and experience have been along the delicate and difficult paths and by-ways of government?

Some people think that the government is a problem of no possible difficulties. I can think of one nowhere that is any more troublesome than that. The other night I spent a delightful evening in the company of the Minister of the Nation of New Zealand to the United States government and people. That man told me a romantic tale of how they made democracy work in that little land; of how they harmonized conflict, of how they fashioned comprehensive schemes for the betterment of all people, of how they preserved one man's justice and due, and found a way to give another man the satisfaction of his rights too. Can you think of a problem more challenging than the order of the affairs of one hundred thirty million people? Then multiply that by two billion who live scattered in the seas and across spheres and continents, and you will see how colossal is the task, how much courage will be required, and what confidence from the people.

Suppose that the clamor of the mob had broken down the doors of the convention at Philadelphia and that staid man who stood like a guardian of the people's lives had been thrust aside, and the people had said: "Not three months from now, but tomorrow, you must give us your declaration, make public the daily councils, conferences and controversies." If selfish interest had been able to reach its hands

through the closed doors and say: "Protect me and provide for me, don't sacrifice me again, greed for me," can the minds of man imagine what might have been the tragedy?

So the people have to trust once they have chosen their leader. That, too, is democracy. Ours is the representative government, not a mob. I think that is the greatest challenge to be hurled against so many of the leaders of today. They think only about the next election instead of the next generation of man. If a man can not jeopardize his political life at a time when heroes are dying in the cold oceans of the earth, he is not much of a man. But what the people want to hear is a voice that speaks with certainty and conviction, that dares to say, "Here is the hill, let's take it." They will—the American people have never failed; they have too often had leaders lacking in courage that dared not to attempt the impossible. So today, there is the challenge to leadership such as we have never needed before because we have never faced such problems.

But on the other hand, if a man can not feel he has some scope and range for his efforts, if he is smacked down every time he opens his mouth, if he does not get a chance, then people could have very little vision and by the Scriptures, "They will perish."

It was not Woodrow Wilson's sons who would have had to go to the second world war—he had none. He was not pleading to save his sons, he was pleading to the people to throw back avarice and greed and save their sons. When this war is over I know what is going to happen. Some of these serpentine misers, these greedy men who would give a nation for the presidency, and some of them are in the Senate, they are going to be clamoring at the public door and saying, "Let me lead you—why did you ever forsake my confidence? It would not have been so costly, you would not have lost your business, your job, part of a disrupted economy if you had just followed me." They will point their finger and say, "I told you so."

Some people have little faith, but for God's sake hold up their heads, know what our leaders are trying to do; don't let good men again be crucified as Wilson was and have to say in their hearts, "Father, forgive them for they know not what they do." I know we can trust America; I know we can trust American people; I know we can trust America's spirit; I know we can trust American leaders. You men of the Bar, they beckon to you to take your place among the leaders of the day. Only if America, in that way, meets that challenge can those who come after us and look back upon us say with confidence and satisfaction, "They kept their rendevouz with destiny; they were true to the ways of man."

---

The meeting recessed.

## AFTERNOON SESSION, JUNE 12, 1942

President Currie called upon Mr. J. M. Stevens, Jr., to complete his report on the Junior Bar Section. Mr. Stevens called upon Mr. Frank E. Everett, Jr., of Vicksburg, to present the report of the Study Committee of the Junior Bar. [For text see *infra* page 637]

Finding that the time was not sufficient to explain the report sufficiently for the Bar to take action upon it, Mr. Everett moved that the report be received and held by the Junior Bar for presentation to the State Bar at a later date.

Mr. B. B. Allen, of Indianola, submitted the report of the Committee on Public Relations and his motion was received and filed. The report follows:

### REPORT OF COMMITTEE ON PUBLIC RELATIONS

In this hour of emergency when unity of purpose and objective is essential to our very life and future existence, and when the leadership of the lawyer is looked to more than ever before for guidance in these problems and those to come, it behooves us with renewed determination to furnish it, and to point out a safe and sane course to follow. The people have a right to look to us for such, and to hold us responsible for furnishing it.

We are living today in a land of laws, and these laws are being enforced by the lawyers on and off the bench. By the way these laws are administered by the bench and bar determines the respect of the people for these laws and our system of government. Any improper application of these laws prompts a disrespect for all laws on the part of the people, who must and will judge us by our actions and who will respect or disrespect those laws in direct proportion to the fairness and justice of their application by us.

From the time that Magna Charter was extorted from the trembling hands of old tyrannical King John by the lawyers of his day, the members of our profession have fought for their extension and proper enforcement. Indeed, the lawyers have been the friend of the people and fought for their rights in the court room and in the legislative halls of the country; they have seen that the weak were protected against the strong, and won for themselves the respect of the people, thereby making for themselves a well-established place in the hearts of our citizens.

Laws are made for the government of human society. The people must be governed either by a monarchy or dictatorship on the one hand, or by laws passed by a free people through their representatives on the other; and we know that the latter makes for a happy and prosperous people, and enables them to enjoy to the fullest extent the blessings of liberty and freedom. So it is, that it is imperative that all the rights of all the people must be respected in the courts of this land; and any miscarriage of justice—whether brought about by shortcuts

taken by the lawyers, or through prejudice on the part of a lawyer on the bench—breeds a disrespect for the courts and the laws.

We say to you in all frankness that it is just as harmful for a lawyer on the bench to be influenced by his prejudice for or against a litigant or any type of lawsuit authorized by law to be tried, as it is for a lawyer off the bench through zeal for his client to do anything that denies justice to a litigant. Indeed, in the estimate of a layman, it is immaterial whether an injustice be done through prejudice or brought about by corruption and dishonesty; the effect is the same. No judge has a right to use his office to carry out his petty views from the bench, and he who does so is striking down the confidence of the people in the laws and the courts over which he presides. Nor has a lawyer the right to take undue advantage of any man in a court of justice; because, when he does so, an injustice has been perpetrated in the name of the law, and the ancient and honorable profession which he purports to represent has received a body blow that lowers his profession in the eyes of the people.

In other words, the lawyer is justly held to a strict accountability in the judgment of the people for the way in which he performs his duties, and any lawyer who has lost sight of the importance of his office and done things not in keeping with the spirit and purpose of the machinery of the law should be weeded out of the profession. For, indeed, a lawyer is a public servant and must be judged as such. And this is true, whether he be on or off the bench.

So long as the lawyers conduct themselves properly and keep in mind that justice is the end sought, just so long will this remain an outstanding, respected and honored profession. Every injustice done in the name of law is just one more blot on the good name of the profession that will black-out the honorable position the people and our honored predecessors bequeathed to us.

Let us ever remember that the highest compensation a lawyer can receive is the respect and gratitude of the people, and so conduct ourselves at all times that our private conduct and public relations with the people and the courts will be one of mutual trust, confidence and esteem. Anything short of this attitude will make the public relations of the lawyer a mockery, and bring him and his honorable profession into public infamy, shame, and disgrace.

---

Mrs. Jesse Graham, Chairman of the Mississippi State Bar Auxiliary, appeared before the State Bar to express the appreciation of the Auxiliary to Judge Camille Kelley for taking time to speak at the Convention. On motion of Mr. John C. Satterfield, of Jackson, the State Bar joined with the Auxiliary in expressing appreciation to Judge Kelley.

President Currie called upon Mr. W. A. Ellis, of Carthage, official

poet laureate of the State Bar, to present his annual poem dedicated to the Bar. Mr. Ellis' poem follows:

## APPRECIATION

W. A. Ellis

All hail to the shores of beloved Mississippi,
Where breezes blow softly and tides ever roll,
Where waves of the ocean sing lullabies ever
Sweet rest for the body, the mind and the soul.
A wonderful land of bay, inlet and river,
Where fishing and boating enliven the day,
Where time and the tides keep on rolling forever
As sunshine and shadows alternately play
For poor, country lawyers, for rich, city lawyers
For weary-worn lawyers who chafe at delay.

A paradise, garden, a park of rare treasure,
Where upper-sojourners find havens of rest,
An infinite round of both day and night pleasure,
Where nature and art do their dead, level best.
We come to the coast for a real recreation,
To work just a little, then frolic, you know,
Thus leaving to other of predestination
To read learned epistles or draw a long bow,
For poor, country lawyers, for rich, city lawyers,
For weary-worn lawyers who're "raring to go."

We ride along highways on high, sandy beaches,
And talk of the days of the old Spanish Trail
Compared to the present in its infinite reaches
Of mind over matter that's bound to prevail.
Our banquets and councils repeat the same story
Because we have met on the level before
In years that are gone but still bright with a glory
Of masterful minds like the giants of yore
For poor, country lawyers, for rich, city lawyers,
For weary-worn lawyers who live evermore.

Along the whole coast from east to west border,
The sound of the saw, ax and hammer is heard,
In swift preparation for war's tragic order
To put into action our sincerest word.
We've promised the world in the most solemn manner
We're fighting for freedom and all it implies;
We've flung to the breezes our Star Spangled Banner
And long may it wave o'er ourselves and allies
For poor, country lawyers, for rich, city lawyers,
For all of the people as long as time flies
Till righteousness triumphs and ev'ry wrong dies!

All hail to the shores of beloved Mississippi,
Where land and the sea meet the blue of the sky,
Where bravest of men and the fairest of women,
Say "Welcome" so gladly,—but sadly, "Goodbye."
We bid you adieu till another Bar meeting
Shall call us to duty along thy green shore
Where all of your kindness will woo us, entreating
That thy Riviera will charm evermore
The poor, country lawyers, the rich, city lawyers,
The truly great lawyers who love you galore.

Farewell to the land of our fondest endeavor!
Until our Bar meeting shall convene here again,
We'll think of you kindly and forget you—no never—
For what you have done for the children of men.
As long as the grasses grow green in the valleys,
As long as the rivers to seaward shall run,
As long as our Bar shall hold its grand rallies.
We'll thank you forever for what you have done
For poor, country lawyers, for rich, city lawyers,
For weary-worn lawyers whose hearts you have won.

Mr. J. N. Flowers, Chairman of the committee, appointed on the preceding day, to make recommendations concerning the suggestions made in Judge T. C. Kimbrough's address, presented the following resolutions, which were adopted by the Convention:

## RESOLUTIONS:

RESOLVED:

(1) That the action of the President of this Association in appointing a Defense Committee be and it is hereby approved and commended.

(2) That there be and there is hereby added to our list of standing Committees for the duration of the war and thereafter until further action is taken by this Association, a Committee to be known as a Defense Committee.

(3) That the Defense Committee shall consist of at least five members and that the President of the Association be authorized to increase the number at his discretion. And the Committee in organizing shall designate a person to act as its secretary whose post office address shall be the address of the Committee.

(4) That this Committee tender its services to the Defense Committee of the American Bar Association and co-operate with that Committee; and that it endeavor to ascertain where and in what way members of this Association may render service in support of the national defense effort and render such service as they may be called upon to perform, the Committee being authorized to call upon any member of

this Association to perform services which it decides can be performed by such member.

(5) That this Association pledge and does hereby pledge its full support to this Committee in whatever activities it may decide upon to utilize the abilities and patriotism of the lawyers in this emergency.

---

Mr. Earle L. Wingo presented the report of the Committee on Resolutions, which was adopted. The report follows:

MR. WINGO: We, your committee on Resolutions do hereby offer the following resolutions: Be it resolved that the Mississippi Bar Association in session does hereby now express its profound appreciation to the committee in charge of the program and especially do we appreciate the many acts of kindness of Mr. George Sturm, Manager of Hotel Buena Vista, for his untiring efforts in cooperating in every detail in making this convention a success.

And we do hereby express our profound apprecation to Mr. G. B. Cousins, Jr., of Biloxi, secertary of the local committee for the time, energy and ability that he has given in assisting with the preparation of the program and for his other numerous services which so largely contributed to the success of the convention.

We further express our appreciation to Mrs. W. L. Guice in charge of the Woman's Auxiliary program and her associates and assistants for their splendid contribution in looking after the wives, sisters and sweethearts of the visiting members of the Bar and so splendidly caring for their comfort and entertainment.

We want to express our appreciation to the officers of Keesler Field and to the splendid young soldiers who furnished us with music and entertainment on last evening.

We wish to express our appreciation to Hon. English Lindsay and Mrs. John Savage who furnished us with music and songs, and we hereby now express our appreciation to all others who cooperated and aided in making our state convention an outstanding success.

---

President Currie then called for nominations for President of the Mississippi State Bar. Mr. Charles F. Engle, of Natchez, was placed in nomination by Mr. Marion Reily whose remarks follow:

MR. REILY: More than forty-five years ago, while living in the City of Natchez as a boy, I came in contact with a man who has had as much to do with influencing my conception of the practice of law as any other man whom I have ever contacted. At that time I was working for a small salary and he was a young lawyer in the City of Natchez.

A young lawyer of forty-five years ago and a young lawyer of today face different problems. In those days we had a great many colo-

nels and majors and captains and judges—a fine bunch of men they were—and many of them had much ability. And the boy who in that day came from the lowly place, from the crowded by-ways, to struggle up in a professional life had to overcome all of those weaknesses which are with us today and will ever be with us and which are displayed so prominently when the humble of the earth strive to compete in honor with those more fortunate. Those conditions prevailed then.

This young man by his own efforts faced the problems before him. He has never been a man to plead or beg when contending for that which was his and that which he believed was right. I believe the first poem I heard was from him. He wrote it on a piece of paper for me and I have it yet from his typewriter:

"Who feels within himself, the stirring pulse,
Of power and purpose, urging him to dare,
And yielding to the message—treads down fear
Rending in scorn his own innate despair

"He is the nobleman—No accident of ancestry
Can equal that proud birth of spirit
Which unlocks the dorman Soul
And rounds endeavor to its highest worth."

He may have forgotten it, but I could name the place where we were.

" No accident of ancestry
Can equal that proud birth of spirit
Which unlocks the dorman Soul
And rounds endeavor to its highest worth."

That thought has sunk in my heart—
"And rounds endeavor to its highest worth."

It has characterized the work of the life of this man who has known no master. The only thing he ever feared is the fear that he would be unable to measure up to the obligations which were his. I say to you, in natural ability in legal training Mississippi has not his superior today.

I always thought the man who served as President of the Mississippi State Bar should be a man of varied experience. This man for years was one of the leading criminal lawyers of this state. I remember that when I was District Attorney many years ago, long before then his reputation as a criminal lawyer was known beyond the boundary of the state. Trained in the practice of law, not a man living on what he found in books, but in the school of hard knocks, in the court house brushing shoulders with the best brains of that era. He established his reputation; he knows all the problems of the lawyer. He is a man who tried cases, a man who contended for the trial of right throughout this country. So I say when I place this man in nomination today, I am placing a man who understands the problems of every lawyer in the Mississippi Bar and I say to you younger men, he

is the man to whom you can come with your every problem; you will find him sympathetic and forever willing to stand for what is right. He is a man of vast business experience.

Over thirty-five years ago a condition prevailed in the state that challenged the best thought of the best men we had. We had the old common law of England in this state. Under that law when a man was hurt through the wrongful act of another, even though the person inflicting the injury was guilty of 90% of the negligence and the other for 10% of the negligence, the servant could not recover for the cause that he had contributed to his own injury. That condition confronted the Bar. I practiced at that time; this man practiced at that time, and he was then in the state Senate of Mississippi. The man whom I shall name to you very shortly is the man who conceived the idea of passing the comparative negligence statute—which we have today. He drew the bill, fought for it, and brought it to the two Houses. And Mississippi is indebted to him as much as to any living man for its passage.

Pardon me if I digress just a moment. You know what we need in this prophetic hour—if a humble man may voice his thought, we spend too much time in trying to fix ways for men to practice law—what we need is to spend more time trying to find a way by which the laws can be endorsed and leave the responsibility of the lawyer on the lawyer's shoulders. No man should practice law unless he has the courage and unless he has the intelligence to discharge the obligations and duties of lawyers, and you are not helping the bar when you try to lighten the burden on the shoulders of the lawyers. You want to place the fire in his heart; you want a man who has the conception of the practice of law and determined to measure up to his responsibilities.

This man is such a man. He is resourceful; he is capable, he is learned. You go to Natchez today and go down by the Old Mississippi where he and I spent our boyhood, heard the old stream murmur in the morning light, and dreaming of what we might accomplish, you go there and you will find across the rolling waters of the Mississippi River a great bridge over which commerce runs bearing human freight and merchandise that go to the foremost corners of the world, and I want to tell you right now, he was opposed by giant railroad systems of the country. When force was against him that man by constant labors and a brilliant mind, a resourceful mind, was responsible for the bridge that reaches across the Mississippi at Natchez today. The people who know the facts know that that is true. I give you that to show you this is a man of varied ability.

If you see fit to nominate him your President, I am sure the Bar will benefit by his election, and if you see fit to vote for him he will always be proud of the honor conferred upon him. I take pleasure in placing in nomination my personal friend, my friend in the days when nobody else was willing to be a friend to me, or would say a word of encouragement to me because when I came back from the Uni-

versity of Mississippi—I am one of the few men who made 30 on his papers and 30 on his examination and got a license to practice law—When I cam back, notwithstanding that, he took me in his office and taught me how to study law and to prepare myself for my life's work. He was patient, kind, and encouraging, and my heart has never ceased to beat in gratitude for that. Today, if you see fit to honor him with this position, you will make me the happiest man on the Gulf Coast. I nominate Charles Engle of Natchez.

Mr. Engle's nomination was seconded by Mr. R. M. Kelly and Mr. Earle L. Wingo. On motion of Major W. Calvin Wells the nominations were closed, and Mr. Engle declared unanimously elected.

The chair called for nominations for first vice-president. Mr. Ross Barnett, of Jackson, was nominated by Mr. Quitman Ross and the nomination was seconded by Mr. Tally Riddell. On motion of Mr. B. B. Adams the nominations were closed and Mr. Barnett declared unanimously elected.

Nominations were called for second vice-president. Mr. Eugene Thompson, of Marks, was nominated by Mr. John C. Satterfield and the nomination was seconded by Mr. Phil Stone. On motion of Mr. J. M. Stevens, Jr., nominations were closed, and Mr. Thompson declared elected by acclamation.

Nominations were declared in order for the position of delegate to the House of Delegates of the American Bar Association. Mr. Eugene Marks, of Jackson, was nominated by Mr. J. M. Stevens, Jr. The nomination was seconded by Mr. R. M. Kelly. Mr. W. S. Welch was placed in nomination by Mr. Tally Riddell, but on his request the nomination was withdrawn. A motion to close the nominations was passed, and Mr. Marks was declared elected.

The chair declared the selection of the place of meeting for the succeeding year to be the next order of business. An invitation for Meridian was extended by Mr. Marion Reily and Mr. N. S. Williamson. A motion by Mr. Earle L. Wingo that Meridian be selected was passed.

The members of the Convention then separated into district meetings and elected the following Commissioners:

BAR COMMISSIONERS BY DISTRICTS:

1. Ben H. McFarland, Aberdeen
2. R. W. Thompson, Jr., Gulfport
3. Hindman Doxey, Holly Springs
4. R. D. Everett, Ruleville
5. Jack B. Carlisle, Jr., Ackerman
6. Maxwell Bramlette, Woodville
7. Hubert S. Lipscomb, Jackson
8. J. O. Hollis, Carthage
9. Landman Teller, Vicksburg

10. Jack Lobrano, Meridian
11. H. D. Todd, Cleveland
12. Quitman Ross, Laurel
13. J. A. McFarland, Sr., Bay Springs
14. Breed O. Mounger, Tylertown
15. Paul H. Farr, Prentiss
16. J. E. Caradine, West Point
17. J. H. Caldwell, Charleston

President-elect Engle was then presented. His remarks follow:

MR. ENGLE: Fellow Members of the Mississippi Bar: I am duly grateful that I was not called to this stage immediately after your very generous and magnanimous action in elevating me to the position of your leader for the coming year, for at that time my heart and soul were with memories of nearly a half a century ago and even yet they have not entirely returned to me, thinking of the events and circumstances culminating in this honor you have bestowed upon me. I am remindful of the words of the poet:

"The mills of the gods grind slow
But they grind exceeding small
So soft and slow the great wheels go
They seem scarcely to move at all
But the souls of men fall into them
And are powdered all to dust
And from the dust spring the park's
Flowers: faith and hope and trust."

I am deeply grateful to you for this honor, and I am not unmindful of the fact that it was accomplished by other good and learned members of the Bar agreeing to yield for the time their ambitions to hold this honorable position, but in this time of stress and trouble, these perilous times, if I may term them such, I would say the best results are generally brought about by adjustment, agreement and compromise. So I thank them from the bottom of my heart, I thank, too, the gentleman who nominated me and with whom so many of the sweet memories of other days are wound about.

It is a pleasure for me to be nominated by a man who started out the practice of his profession along with me; to have the nomination seconded by another boy from Natchez, Earle Wingo, whose father I well knew, admired, and loved. And then to have old Bob Kelly come in and second it, too, meant something to me. I recall very well the first time I met Bob Kelly. It was at a Woodman's Convention at Vicksburg, and I think we were on opposing sides of some problem and he taught me how to take a licking because I recall he gave me one there in that convention.

We have much to do this coming year to figure out how we stay-at-homes can yet aid our country in this momentous struggle. We have heard much of that and I will not go into any details further than

to say this: I think we have a mission and a work to do in educating the people not to chafe and rebel under the restrictions and inconveniences that may come to them, to set an example of ourselves by observing those restrictions and not seeking out ways to get around them so that if some friend down at the garage says, "I can get you a tire, nobody will know about it," that you may say to him, "You mistake the situation; this is not the old bootlegging days when our country was not in danger, and we welcomed anyone who would bring a gallon or a half-gallon or a pint. This is the day when our liberties are at stake and all of us must unite to carry out the regulations imposed by those who are in authority to carry on this fight; and therefore, as much as I would like to have that tire, I won't take it and you put it back where you got it." In short, we have got to sacrifice and we have got to work and I know how anxious you are to get away so I will put in brief form a picture of what we must try to do, and let us later work out the details. My message to you on this occasion is let us fly high our flag upon the hills and through work and sacrifice keep it there until America wins as win she will.

---

Short statements of appreciation were also made by the two vice-presidents, Mr. Barnett and Mr. Thompson.

Motion to adjourn was adopted.

PROCEEDINGS OF THE SIXTH ANNUAL MEETING OF THE

# Junior Bar Section

Held in the City of Biloxi, Mississippi on the 10th of June, 1942

The meeting was called to order by the Chairman, John Morgan Stevens, Jr., of Jackson, who offered the following report:

## REPORT OF THE CHAIRMAN OF JUNIOR BAR SECTION

Since I have been active in the Junior Bar, I do not recall that any past Chairman has inaugurated the practice of giving a formal report of the year's activities. There does not appear to have been any particular occasion for so doing in the past, as the reports of the various committees were sufficient to give a complete picture of the work of the Section. Today, however, we find ourselves in the midst of the greatest war which the world has ever witnessed, and the normal activities and program of our Section will necessarily be much curtailed. I, therefore, believe it well to give a formal report which will summarize the past activities of the Section, and which, I hope, will serve as a record of the accumulated and varied activities of the Section, not only this year but in past years, and serve a useful purpose in picking up our work after the return of peace.

### I

### Organization of Junior Bar Section

The Junior Bar Section exists by virtue of a resolution of the Mississippi State Bar, adopted at Greenville on September 4, 1936, creating a standing committee of the Mississippi State Bar known as the Junior Bar Section. This resolution has not been altered, and remains as our charter. It is helpful to refer back to it from time to time, and I, therefore, reproduce the resolution herein as follows:

"Be it resolved by the Mississippi State Bar in regular session assembled at Greenville, Mississippi, on this, the 4th day of September, 1936:

"That, in order to furnish a forum for the younger lawyer, encourage and foster discussion, the interchange of ideas, and constructive action for the preservation and advancement of the ethics, prestige, and integrity of the Bar among the younger lawyers and to establish a special means whereby the younger lawyers may be induced to interest themselves to a greater extent in the activities of the Mississippi State Bar and more materially assist in the accomplishment of its purposes and functions, there is hereby created a standing committee of the Mississippi State Bar to be known as the JUNIOR BAR SECTION of the Mississippi State Bar.

"Section 1. The governing body of this Section shall be an Ex-

ecutive Committee composed of eleven members. Two of these members shall be the Chairman and the Vice-Chairman who shall be elected by the Section as a whole. The remaining nine members shall be elected from the three Supreme Court districts, with three members from each district, these members to be elected in the same manner as the Bar Commissioners.

"Section 2. All members of the Mississippi State Bar who are under thirty-six years of age shall be members of the Section, but this shall not be construed as to remove or separate them in any way from their connection with the State Bar.

"Section 3. Members of the Executive Committee shall serve for a term of one year or until their successors shall have been chosen, the first term to commence from this date.

"Section 4. The Executive Committee may, in any manner it shall direct, provide for the filling of all vacancies for un-expired terms.

"Section 5. The Secretary-Treasurer of the Mississippi State Bar shall serve as Secretary-Treasurer of the Section and shall do and perform all things for said section just as for the State Bar and shall attend such sessions of the Executive Committee unless instructed to the contrary by the chairman.

"Section 6. The Executive Committee shall hold, at least one meeting each year at a time to be fixed by the Chairman and to be held at the State Capitol not later than forty-five days prior to the next annual meeting of the State Bar. The Chairman, and in his absence or disability, the Vice-Chairman, or any five members of the Committee, may, on not less than ten days written notice to all members, call special meetings of the committee to be held at such time and place as may be directed in the notice.

"Section 7. The Executive Committee shall have the authority and power:

"(a) To inquire into, report on and make recommendations concerning the same and any and all matters and things it may deem pertinent to and helpful in the carrying out of the purposes of this Section.

"(b) To do and perform all acts and things necessary and proper to carry out the purposes for which it is created.

"(c) To exercise such additional powers and functions as may from time to time be delegated to it by the State Bar and by the Commissioners.

"(d) To appoint sub-committees for the purposes of carrying out its functions and duties from among the membership of this Section and to delegate to such sub-committees all such power and authority as the Executive Committee shall think proper.

"Section 8. The expenses of the Section shall be borne by the State Bar to the same extent and in the same manner as are the expenses of the Commissioners.

"Section 9. The Executive Committee shall report in writing annually, beginning with the 1937 annual convention, to the Mississippi State Bar covering all of the activities of the Executive Committee for the preceding year and shall embody therein such recommendations as it shall see fit.

The Committee shall also report and make recommendations to the Commissioners, as and when the same may be requested."

The only change or addition to this resolution is a subsequent one providing that the two immediate past chairmen of the Junior Bar Section be ex-officio members of the Executive Committee in an advisory capacity.

I direct your attention to the fact that we are a standing committee of the State Bar; that our powers are unlimited; that our committees are created and appointed by the Executive Committee instead of the Chairman.

Able leadership has guided the Junior Bar Section past many potential dangers. So far as I have been able to ascertain, our Junior Section, in its organization and activities, is probably the most effective, at least one of the most effective, of all State Junior Bars. We have avoided any feeling that the participation of our members in our activities and programs detracts or deflects from the program of the State Bar. We have succeeded in having an annual convention each year, thoroughly business-like, at which our business has been expeditiously handled, and we have been fortunate in having officers and committee-men of the highest caliber. I strongly recommend that the practice be continued of having our annual convention on the afternoon of the day preceding the State Bar, and that the business of the Section be transacted at this afternoon session.

## II

### Development of Program

The first meeting of the Executive Committee was April 20, 1937, Hugh Clayton, Chairman. The committee discussed the fields of activity for the Section to work in, and decided upon two, encroachments on law practice and county courts.

The second meeting of the Executive Committee was May 2, 1938. Report of Committee on County Courts was heard; a bill on encroachments on practice of law was reported to have passed the House and died on Senate calendar. Committee on Unauthorized Practice of the Law failed to function. Jesse Graham was chairman.

The third meeting, John Satterfield, Chairman, was held on Au-

gust 22, 1938, and the following reports were heard and matters discussed:

(a) Governor advised not to try to pass legislative program;

(b) More frequent meetings of Executive Committee were agreed upon.

(c) The Committee on County Courts was continued.

(d) The Committee on Unauthorized Practice of the Law was discontinued.

(e) The report of Committee on Encroachments on Law Practice was received, a letter of protest was agreed upon, and when sent this committee was to be discontinued.

(f) Committee appointments for the new year were:

(1) Legislative Drafting;

(2) Selection of Judiciary;

(3) Bureau of Identification;

(4) Cooperation with Young Lawyers;

(5) Code;

(6) Practice and Procedure; and

(7) Admissions to Bar.

(g) Affiliation with the Junior Bar Conference of the American Bar Association was authorized.

The fourth meeting of the Executive Committee, John Satterfield, Chairman, was held on January 16, 1939. The following was discussed:

(a) Letter of protest to banks and trust companies was sent as agreed upon

(b) Affiliation with Junior Bar Conference was perfected.

(c) Report by Chairman Charles Sisson on county courts was heard.

(d) Legislative Drafting Committee, J. M. Stevens, Jr., Chairman, no report.

(e) Committee on Selection of Judiciary reported by Charles Sisson, Chairman.

(f) Bureau of Identification by George Ethridge, reported.

(g) Section B of Committee on Cooperation with Young Lawyers, by Ed White, reported.

(h) Ed Brunini, Chairman of Code Committee, reported.

(i) Semmes Luckett, Chairman of Committee on Pleading, Practice and Procedure reported.

(j) Billy Bacon, Chairman of Legislative Committee, reported.

(k) Work of Committee on Admissions to Bar was discussed, and instructions given to the committee.

The fifth meeting, March 27, 1939, Satterfield, Chairman. The following business was discussed:

(a) Report of Bureau on Identification.

(b) Report on Code Committee.

(c) Committee on Pleading, Practice and Procedure reported and was instructed to make study of adaptation of Federal Rules.

(d) Executive Committee members were unable to agree on report of Committee on Election of Judiciary.

(e) Oral report on Cooperation with Young Lawyers was heard.

(f) Report on Legislative Drafting Committee was received, and action deferred.

(g) Report of Committee on Admissions to Bar was received and action deferred.

(h) Local committee on entertainment was provided.

(i) Afternoon meeting of Section was planned to be preceded by Executive Committee meeting. This Executive Committee meeting was not held.

The sixth meeting of the Executive Committee, Charles Sisson, Chairman, was held on August 4, 1939. The Chairman directed attention to status of program and recommended continuance of the following committees: Code, Cooperation with Young Lawyers, Legislative Drafting, Legislative, Pleading, Practice and Procedure, Admissions to Bar, and Selection of Judiciary.

Report of committee on Bureau of Identification was accepted by the State Bar, and the committee continued. Committees on Legislative Drafting, Legislation, Pleading, Practice and Procedure, and Admission to Bar were continued. Committee on Public Relations and Unethical Practice of the Law was created, and Committee on Judicial Selection was discontinued. The Executive Committee agreed to meet again in December, but this meeting was not held.

The seventh meeting was held on April 26, 1940, Sisson, Chairman, and the following business transacted:

(a) Report on Cooperation with Young Lawyers by Gene Thompson.

(b) Report on Pleading, Practice and Procedure, as to Federal Rules, by Marcellus Green.

(c) Public Relations Committee reported by Nugent Shands, and Code Committee by Stevens.

The next meeting agreed upon for 10:00 A.M., preceding the Section meeting at 2:30.

The eighth meeting, Sisson, Chairman, was held June 26, 1940, and the following reports were received, and approved:

(a) Cooperation with Young Lawyers, Stokes Robertson.

(b) Bureau of Identification, George Ethridge.

(c) Cooperation with Young Lawyers, Gene Thompson.

(d) Pleading, Practice and Procedure, Marcellus Green.

(e) Public Relations, Nugent Shands.

(f) Admission to Bar, Harvey Lee Morrison.

(g) Legislative Drafting Committee, Stevens.

(h) Supplemental report of Code Committee.

Legislative Drafting Committee was discontinued. The Chairman reported on addressing the Law School at the University.

The ninth meeting, George Ethridge, Chairman, was held August 15, 1940, and committees were appointed as for the prior year. The recommendation of the Public Relations Committee for addresses on Constitution and Bill of Rights at public schools was discussed. The Committee on Unauthorized Practice of Law was discussed, and the Committee on Pleading, Practice and Procedure was instructed to make a study of pre-trial practices.

The tenth meeting, April 11, 1941, George Ethridge, Chairman. Committees A and B on Cooperation with Young Lawyers both reported by letter. Pleading, Practice and Procedure Committee reported and recommended discussion of Federal Rules. Legislative Drafting Committee reported on Legislative Drafting Bureau. Code Committee reported and was instructed to study declaratory judgments. NOTE: This should have been referred to committee on Pleading, Practice and Procedure, now our Study Committee). Resolution requesting the Supreme Court to sit en banc was approved, as was program for following annual meeting.

The eleventh meeting was held on June 25, 1941, George Ethridge, Chairman. The death and funeral of Senator Harrison overcast the meeting, but a successful business meeting of the Executive Com-

mittee was held, followed by a successful meeting of the Junior Bar Section.

Your Executive Committee has held two meetings during the year, numbers twelve and thirteen. A Committee on Unethical Practice of the Law was created, Pat Holcomb of Clarksdale, Chairman, and Committee on Unauthorized Practice of Law and Encroachments on Law Practice was continued. Legislative Drafting Committee was discontinued. The following committees were continued:

(a) Public Relations;

(b) Cooperation with Young Lawyers;

(c) Admissions to Bar;

(d) Bureau of Identification;

(e) Code Committeee;

(f) Cooperation with Junior Bar Conference; American Bar Association; and

(g) Legislative Committee with sub-committee on republication of Code. The Pleading, Practice and Procedure Committee, designated as Study Committee, to avoid conflicts with the Code Committee, and its field of activity more particularly described as indicated by its name.

The above review of the prior work of the Section, as reflected by the meetings of the Executive Committee, disclose that the Section has made excursions into various fields of activity, some of which have been continued and some dropped. It has been helpful to your chairman to review the work of the Section since its creation, and I believe that it will be helpful in the future for your officers and Executive Committee to not lose the benefit of the work which has gone before.

## III

### Undeveloped Fields of Activity

The Mississippi Association on Crime and Delinquency held its first meeting in Jackson on December 6, 1941, Edward B. Zeigler, Federal Probation Officer, acting as Secretary-Treasurer. The Junior Bar Section was invited to participate in this work, and was well represented on the Board of Directors. Our state would doubtless profit from a study by the bar of our laws on crime and delinquency, and this broad subject presents a field of almost unlimited opportunity for needed work.

The more narrow aspect of the needed study and revision of criminal laws of the state relates to juvenile delinquents in juvenile courts. This is a subject of such importance that the president of the State Bar has invited Judge Camille Kelley, of Memphis, to address

us at our annual convention, and all of us are conscious of the fact that we have no real system for dealing with juvenile delinquents.

It is highly important that the officers and members of the Junior Bar Section should cooperate with the Junior Bar Conference of the American Bar Association. We are an affiliated Section, but beyond affiliation, nothing has been done by way of cooperation with the American Bar until this year. Upon appointing a committee for this purpose, we have found that the American Bar is striving for contacts in the various states, and is carrying forward an extremely important program. The State chairman of the Junior Bar Conference of the American Bar, and the Chairman of our Section, will find much that needs to be done by each organization in furtherance of the program of both. In this connection, you will be interested in knowing that our Junior Bar Section has attained wide recognition, and is looked upon as one of the leading Junior Bar organizations. The Junior Bar Conference of the American Bar issues a periodic news bulletin, published by the Committee on Cooperation with Junior Bar groups, and this news bulletin and its publishers are anxious to receive reports of our activities.

Our recommendation for the creation of a Legislative Drafting Bureau has received strong support in the report of the Attorney-General, and our efforts along this line should be continued.

## IV

### Effect of War Upon Our Program

It has been extremely difficult to keep our normal program in effect since declaration of war, because, first, everyone is so much more interested in the progress of war and its incidental problems that the work of the Bar seems relatively unimportant, and, too, our members are joining the armed forces so rapidly that those of us left behind will constitute a relatively small home guard. We lawyers have been ridiculed in literature and less but never in relation to our patriotism. It has become difficult to keep the committee work going on in behalf of our various committees, because of the chairmen leaving, but we would not have it otherwise. It is, therefore, my recommendation that the program of the Section be confined to more narrow limits during the present emergency, but that appropriate action be taken to insure that our present program of activities will be resumed after the war.

## V

In closing, I desire to express my deep appreciation to the members of the Executive Committee, and the various committee chairmen who have taken part in shaping our program for the year, and particularly to those who are no longer with us because of enlistment in military service. In final analysis, the chairmen of our various commit-

tees assume a heavy part of the work of the Section, and I appreciate the efforts of each and every committee chairman.

Respectfully submitted,

J. M. Stevens, Jr., Chairman

---

Chairman Stevens called for the report of the Committee on Admissions to the Bar, Charles A. Sisson, of Clarksdale, Chairman. Mr. Sisson was not present. Chairman Stevens then made the following statement concerning admissions to the Bar:

THE CHAIR:

I want to make a brief statement about the work of that Committee. During the year, it came to my attention that the Board of the Bar Admissions was examining a large class of applicants for admission to practice, and the information came to me reliably that those applicants were non-residents. The Secretary of the State Bar, Mrs. Nevels, who was present at the examinations, contacted all of the applicants to get statements with reference to their residence, address, where they expected to practice, etc., and I received information from other sources that a considerable number of those applicants were non-residents. I addressed a letter to the members of the Board of Bar Admissions suggesting that something should be done to provide that applicants should be residents of the State. Mr. R. M. Kelly of Vicksburg responded to my letter, but none of the other members did. I then wrote a second letter to the members of this Board, suggesting that the statute already required that an applicant be a resident of Mississippi, and that I understood that some of the applicants were non-residents. I asked the members of the Board to advise with us about that, and told them that the Junior Bar Section of the State Bar was interested. Now, I do not know anything about what happened except that the information coming to me and to Mrs. Nevels was that some of the applicants were non-residents. Two or more of them stated that they had never been in Mississippi before, and I presented the matter of what I had done to the Executive Committee. My action was approved, and the Executive Committee instructed that our efforts to check such apparent abuse, if any existed, should be continued. The Executive Committee adopted the following resolution:

RESOLVED: That the Junior Bar Section instruct the Committee on Admissions to the Bar to conduct an inquiry into the matter of examining non-residents for admission to the Bar of Mississippi and report to the Executive Committee their recommendation as to what action, if any, should be taken toward enforcement of the statutes respecting admissions to the Bar and any recommended changes in our statutes respecting qualifications of candidates for examination for admission generally.

---

A motion by Mr. John W. Wade that the resolution be adopted was passed.

Chairman Stevens called for the report of the Legislative Committee, Mr. Maxwell Bramlette, of Woodville, Chairman. Mr. Bramlette's report follows:

## REPORT OF THE LEGISLATIVE COMMITTEE

The function of the Legislative Committee is to try to gain passage of those proposals advocated by the Senior Bar Section, and the Committee is composed of those members of the Legislature who are members of the Junior Bar. Now, at the request of Chairman Stevens, on January 13, 1942, the Legislative Committee of the Junior Bar Section met in Jackson, which was, of course, the very early part of the Legislative session, having in mind to decide whether or not all of the proposals of the Junior Bar Section should be pressed for enactment. It was felt that in view of present conditions, the war situation, that all of the proposals possibly should not be enacted into law. The Committee met and some twelve measures as had been proposed by the Junior Bar Section were dropped from the roster, so to speak, of immediate action. Some ten other measures were proposed for immediate enactment. Of these ten, two gained final passage; one was a bill to permit amendment of declaration before plea was filed without leave of court. Senator Riddell sponsored it through final passage. The other bill that was sponsored by the Junior Bar Section was that advocating the publication of a new code. Howard Dyer successfully prepared that bill and sponsored it through to successful and final passage and $50,000, I believe, was appropriated for the new code. The Attorney-General was appointed to be in charge of the publication of a new code and, incidentally, I notice bids were submitted by several companies the other day for this job.

Mr. Chairman, you requested that in making this report I make a personal recommendation as to certain measures that were proposed; that is, of the ten, with reference to the advisability of continuing those measures under the sponsorship of the Junior Bar Section. Only two of these measures that we sponsored passed. From personal observation I feel the others should not be sponsored again in view of the fact that they met such vigorous opposition in the House and in the Senate. One was the bill to provide separate grounds for divorce and annulment, and making an annulment statutory. That bill came before the committee of the House of Representatives and met with very vigorous opposition on the floor of the House, and was recommitted and definitely killed. From my observation at that time, Mr. Chairman and Gentlemen, I see no reason in the world why that bill should be put back before the Legislature for enactment. I am not talking about the merits of the bill; I am merely speaking about it from the point of view of hope of passage and the opposition it encountered. I do not think it is worth putting back on the floor soon.

The second bill I recommend to be dropped is that in reference to filing a will within two years after the death of a testator. That bill met very vigorous opposition in the committee of the Senate, so much so that it was not permitted to come out on the minority report, much less a majority report, and I do not think we should sponsor it any more.

So of the ten bills we tried to pass, two gained final passage, the amendment of the declaration bill and the code bill. The reason for the others not gaining passage, of course, due to the many pitfalls in the legislative measures. Some were filed in the committee, some were filed on the calendar, some were killed outright on the floor, and some of them, frankly, were never introduced. These bills were introduced to members of the committee, and I think two bills never were introduced. The rest were introduced and fell by the wayside or got killed on the calendar.

---

Mr. Bramlette's motion that the two bills mentioned in his report be temporarily dropped from the list of bills sponsored by the Junior Bar Section was passed.

The Chairman called for the report of the Committee on Cooperation with Young Lawyers, Mr. Eugene Thompson, of Marks, Chairman. Mr. Thompson's report follows:

## REPORT OF COMMITTEE ON COOPERATION WITH YOUNG LAWYERS

The Committee that I had the happy privilege of serving on this past year is, to my mind, one of the most important committees that we have in our Junior Bar Section—that on Cooperation with Young Lawyers. Perchance some of you may never have known of the work of this committee, or perhaps it is not clear in your minds what the committee has done for the past few years. I believe that I have been connected with the committee for about four years, either having served as Chairman or having been a member of the committee.

The committee undertook, about four years ago, to make a survey of different sections of the state, particularly the North Delta, and you know we think that is God's country up that way anyhow. This survey was intended to reveal, following examination of the dockets of chancery, circuit and county courts, where the county courts were in existence, of the number of lawyers in each respective community. We undertook to determine approximately what lawyers were doing the majority of business, without any criticism or reflection, of course, on anyone. We then broke that bracket down into ages and age limits; that is to say, we tried to determine whether the older lawyers were doing the majority of the lucrative business, and you will be amazed at how much you can tell from a docket in some of our counties in the North Delta, how many middle-aged lawyers were

getting a "toe-hold", so to speak, and what the young lawyers were doing.

We found that at that time there were three or four towns where younger lawyers could undoubtedly have gone and done well. That information, after having been carefully compiled, was given to the seniors at the Ole Miss Law School on an occasion designated by Judge Kimbrough. I do not know how many of those young fellows took advantage of the data we gave them, but they certainly seemed to appreciate it, and so it was that we decided some years ago that we would ask this body each year to perpetuate that committee to try to keep this survey idea in force to try to let those young fellows over there know when they were about to graduate, where they might best go to expect to become real lawyers, but mainly to let them know that they were welcome into the profession. As I look about this group, I see many fellows who finished at Ole Miss and other law schools where not one single word of welcome was extended at the time they were prepared to enter the profession. As a matter of fact, the older lawyers, in place of welcome, undertook to beat them with everything except the gavel the judge had, and in very few instances was welcome extended or any helping hand reached out, but, to the contrary, they let us have it right and left. So I think the work of this committee, if you see fit to perpetuate it, is a wonderful thing. Certainly the young man ready to finish, or even young ladies, as there have been many of them since some of us left you know, feel that they at least have friends out in the profession and some of us are not so much older than they are.

The committee had high hopes for a splendid deal and a wonderful program, but Pearl Harbor attended to that for us. Sad to say, when I wrote Judge Kimbrough for a date to go before the senior class at Ole Miss, it was his unpleasant duty to reply that the eight or nine seniors graduating this year had already tendered their services to our government, and were on their way. Of course, I say that is sad because I don't know how long it will be before ninety per cent of us in this room follow the same path, and it may hurt some of us more than others, but that is something we do not stop to consider in a critical time such as this. I want to ask though, Mr. Chairman, that this committee be perpetuated, that we hold it together for whatever good it may do.

When the reply came from Judge Kimbrough to the suggestion I have just related, I wrote about five of the outstanding members of the committee to tell of the results that had been obtained. In the instances that replies were received the suggestion was made that we might, while we did not know how long we would be here ourselves, hold the committee together, keep a check as best we could of the boys who were leaving and had gone, so upon their return we would have something definite in data and figures to give to them. I am glad to say that work has been done, a very careful record has been kept and is now in the possession of the committee as to the lawyers

we know who have left their respective communities. That data which they may find interesting when the day of returning comes, will be available.

I have enjoyed greatly the work of the committee. I had very poor response, to be honest, Mr. Chairman, with some of the members of the committee. I suppose they have forgotten that they were once young lawyers such as some of us. I had one of my good friends answer when I wrote to ask what we might do. This was his suggestion: he said the question reminded him a great deal of the application the policeman made in New York City for promotion and his questionnaire had listed thereon "What are rabies and what may be done about them?" And this friend of mine said: "Rabbies are Jewish priests and there is not a damn thing you can do about them." And this friend of mine said that young lawyers are in that same category and there is not much that can be done about them. I don't want to take a lot of time, but let's keep this committee in force. The age limit gets me this year and I will be going out, but let's get someone, if you please, who will keep up this good work because I am convinced, after four years of serving on the committee, that it is a splendid work and, if we don't do anything else, we ought to keep it together, and hold it intact, and when the crisis is over and the battle is won, we will pick up where we left off.

---

A motion that the Committee be continued, whether or not it is able to function in an active manner during the War, was passed.

The report of the Committee on Encroachments on the Practice of Law was given by Mr. Lester Clark, of Hattiesburg, Chairman. The report follows:

## REPORT OF COMMITTEE ON UNAUTHORIZED PRACTICE AND ENCROACHMENTS ON THE PRACTICE OF LAW

Your committee in making a study of the unauthorized practice and encroachment on the practice of law found that the Junior Bar Section had previously done some excellent work in this field and their reports, at that time, received considerable attention and publicity and we believe has helped to partially correct some of the unauthorized practice and encroachment on the practice of law. We find that this committee made a full report to the Junior Bar Section at the June 1937 Meeting of the Mississippi State Bar, held in the City of Meridian, and that Honorable John C. Satterfield submitted a splendid Resolution upon the practice of the law by corporate fiduciaries, which Resolution we think it well to re-write and bring forward in order that it might be called to the attention of the members of the Bar and to the public again. The Resolution is as follows:

"Be it resolved by the Junior Bar Section of the Mississippi State

Bar that it is the sense of this Section that the activities of corporate fiduciaries should be limited as follows, to wit:

"First, That it is improper for corporate fiduciaries to draft or have drafted by its attorneys or attorney or others selected and paid by it therefor, any will or proposed form, outline or suggestion thereof.

"Second, That it is improper for corporate fiduciaries to draft or have drafted by its attorneys or attorney or others selected and paid by it therefor, any trust agreement or proposed form, outline or suggestion thereof in which the fiduciary either has no personal interest or under which said fiduciary acts or is to act in a fiduciary capacity.

"Third, That it is improper for corporate fiduciaries to draft or have drafted and/or presented in court by its lay employees, officers, agents, personal attorneys or by attorneys other than those employed at the expense of the estate or trust involved, petitions, orders, or other legal documents (except fiduciary bonds and fiduciary accounts with prayer solely for allowance thereof) relating to or affecting estates or trusts as to which said corporation is or is to become a fiduciary, whether such documents are regarded as administrative, formal or otherwise.

"Be it further resolved that the Chairman of this Section be, and he is hereby authorized to appoint a committee to prepare and present to the Legislature of the State of Mississippi any legislation which may be necessary to put these principles into effect.

"Be it further resolved that this resolution be presented to the Mississippi State Bar for its action upon the same."

We find further that Honorable J. K. Travis, of Hattiesburg, as Chairman of the Committee on Unauthorized Practice of Law, submitted a splendid resolution on this subject at the same meeting in Meridian in June, 1937, and we think this resolution thoroughly covered the subject, and we find that we can add very little to this fine work done by these two committees and we think it well to bring forward and re-copy, if you please, the resolution submitted by Mr. Travis as Chairman of this committee. The resolution is as follows:

"WHEREAS, it is being constantly asserted that the practice of law in our state is being engaged in by individuals who are not members of the Bar, in giving legal advice for compensation and in performing various and sundry legal services, such as preparing wills, escrows, deeds, mortgages, chattel mortgages, bills of sale, contracts, offers, options, leases, schedules, petitions, etc., in bankruptcy, incorporation and partnership documents, releases, affidavits, opinions on title to real estate, court petitions, pleadings, accounts, reports, etc., and in appearing before minor courts for their clients or customers, etc.; that Justices of the Peace, Notary Publics, Real Estate Agents, Real Estate Brokers, Insurance Agents, Auctioneers, Accountants, Adjusters, Chancery and Circuit Clerks, other Court Officials, and Collection

Agencies, are among those engaged in such unauthorized practice; and that lawyers themselves sometimes engage in unauthorized practice; and

"WHEREAS, for the protection of the public and the profession of law, the legislature has imposed certain requirements, regulations and conditions upon those who desire to pursue the profession, and has likewise prescribed fines and penalties for breaches of such statutes; and

"WHEREAS, the proper administration of justice and the protection of the interests of the public as well as of the legal profession require that the practice of law be restricted to those who are duly licensed to practice; and

"WHEREAS, such unauthorized practice leads to fruitless expense, distrust of litigants and disrespect for law and the courts; and

"WHEREAS, the young lawyers are especially interested in the reforms under consideration, since they are naturally entitled to the fees and experience arising from such unauthorized practice; and

"WHEREAS, the practice of law by unauthorized persons is an evil, injurious to the litigant and the public, and brings the profession into disrepute, and should therefore be remedied:

"THEREFORE, BE IT RESOLVED:

"1. That the Junior Bar Section of Mississippi State Bar condemns the practice of law by any and all persons other than duly licensed attorneys, and recommends that appropriate action be taken to check, so far as practicable, the further practice of law by unauthorized persons.

"2. That we hereby entreat the Mississippi State Bar, the Attorney General, District Attorneys, Judges, Chancellors, and other public officials, so far as they may, to join in the movement to rid our state and our profession of unauthorized practitioners of the law, against those who persist in the practice without license so to do.

"3. That it is our belief that individuals or associations engaged in the unauthorized practice of law should be interviewed and requested to desist from the unlawful practice before resort to court action against them.

"4. That the circuit judges in the state are requested to explain the statutes involved, on organizing and beginning courts, when county officials are present, and to urge the grand jury to investigate all unauthorized practice complaints, and to indict where the evidence warrants.

"5. That a committee be set up by the State Bar, whose duty it shall be to make a list of unauthorized practices to be delivered to Notary Publics, Justices of the Peace, and other officials upon their entering upon the duties of their respective offices, to the end that such officials may be informed as to what they may legally do, by virtue of their respective offices.

"6. That this matter be brought to the attention of the general public through the press and otherwise, to the end that the dangers of unauthorized practices may be understood, and that the public, through proper education, may know that duly licensed lawyers can better serve since they are under control of the courts at all times, have a high code of ethics to which they must conform, and since the public has recourse through the Bar and the courts against them if they fail to live up to their oath of office.

"7. That the local bar associations in the state be urged to cooperate in every way possible to rid our state and profession of unauthorized practitioners, and that we favor coordinated action by local state and national associations, to the end that the state and country at large may be relieved of this ever-growing evil.

"8. That a copy of this resolution be furnished the Mississippi State Bar for such action as it deems proper, and to the press."

In further studying unauthorized practice of law, your Committee has found that blank deed forms, deeds of trust, bills of sales, and numerous other legal forms are printed by the counties and furnished the various Chancery Clerk's offices, and that these forms are often distributed to laymen, Justices of the Peace, Real Estate Agents, banks and other firms and individuals, and that a large volume of legal business is being practiced by the use of these forms by those unauthorized to practice law, many of whom use some paper that has been properly prepared by a lawyer as a guide in filling in the forms. Your Committee thinks that much of this practice is done unwittingly and that it could be easily corrected if the matter was properly brought to the attention of the parties in interest.

Your committee, therefore, earnestly urges the members of the Bar, and especially the younger members of the Bar, to keep constant vigil in their communities to see that the members of the Bar are given all legal work that is properly theirs.

The members of the medical profession, for instance, still write all of their prescriptions in Latin and they perhaps have some good reason for not writing their prescriptions in English. Legal documents should, therefore, be carefully prepared and handled by those who are trained in the legal profession for obvious reasons.

Your Committee is of the opinion that our present laws with

reference to unauthorized practice and encroachment on the practice of law are not sufficient to properly protect the public and the legal profession against these authorized practices, and we recommend that the Legislative Committee of the Junior Bar make a study of this subject with a view of recommending legislation at the next session of the Mississippi Legislature that would help correct at least some of these evils.

Your Committee, therefore, submits to the Junior Bar Section of the Mississippi State Bar, this, its report on Unauthorized Practice and Encroachment on the Practice of Law, with fervent hope that the public, as well as the Bar, will be benefited in some way at least by the efforts of your Committee.

Respectfully submitted,

Lester Clark, Chairman
Sidney A. Smith, Jr.
James S. Eaton
J. Kearney Travis

---

Mr. Clark's motion that the report be adopted was passed.

There were no reports from the Public Relations Committee and the Committee on Cooperation with the Junior Bar Conference because the two Chairmen, Mr. Leonard Nelson, of Vicksburg, and Mr. Sherwood Wise, of Jackson, were both in the Navy.

Chairman Stevens called for a report of the Study Committee and announced that the Chairman of the Committee, David Cottrell, Jr., of Gulfport, was in the Army, but that the written report would be presented by a member of the Committee, Mr. Frank E. Everett, Jr., of Vicksburg. The report follows:

## REPORT OF STUDY COMMITTEE

The Study Committee of the Junior Bar Section was instituted this year as such and given much latitude as to its deliberations. This Committee has endeavored to scan the field of practice and procedure in Mississippi and, in addition, to make note of other matters deserving consideration and thought by the lawyers of our state. In the course of the year many subjects have been brought to our attention, some of which are noteworthy and others of which were regarded and discounted. It is easy to look with critical eye upon a given practice in our jurisprudence but very often what appeared to be objectionable at first, proves acceptable with the study of the history of the matter objected to, more often for a lack of a better substitute. Such is not the case, however, in the consideration by the Committee of our method of selection of jurors.

The committee is particularly impressed with the method of

selecting a jury which is used in the 16th judicial district, of which Hon. John C. Stennis of DeKalb, Mississippi, is circuit judge. This method has to do with the excusing of jurors and commends itself in that (1) it relieves the attorneys from having to announce whom they excuse; (2) it relieves the jurors of personal embarrassment; (3) it saves time, and (4) it advises the attorneys at the beginning of the trial what jurors will qualify for the case and the order in which they will be called. The system has been approved by the Supreme Court in the criminal case of *Smith v. State,* 190 Miss 24, 198 So. 562 (1940) wherein the defendant was convicted of murder.

We are deeply indebted to Judge John C. Stennis for furnishing us personally with information as to the steps for selecting a jury in his district. Quoting Judge Stennis, these steps are as follows:

### Steps for Selecting a Jury

"1. Prepare a typewritten list of the names of all jurors, double spaced, and all numbered; furnish each attorney with the list and the court keep one, all identical.

"2. Place 20 or more prospective jurors in the box, placing chairs for the extra men above 12. The Court examines them for cause and then has each side examine them for cause. As to any that are thus disqualified, run a line through their names on the list and mark it "C." which means excused by the court for cause. Each attorney and the court so mark their lists so everyone knows just what jurors will be presented."

There is no further examination for cause unless for newly discovered matter or some matter an attorney has overlooked, in which case further examination is allowed.

"3. The top 12 names remaining are then submitted to the plaintiff for exercise of peremptory challenges. After conference, the attorney for the plaintiff announces to the court and defendant's attorney, but not openly, the names of those excused. On all lists a line is then drawn through the names of those excused and marked 'P1' or 'P2' or 'P3' as the case may be, meaning 'excused by the plaintiff.' If two are so excused, the next two now on the list are submitted to plaintiff and so on until the plaintiff accepts 12.

"4. These 12 are then submitted to the defendant. If he excuses two, then these names are stricken, marked 'D1' and 'D2.' The next two names are then submitted to the plaintiff. When the plaintiff has again accepted a full panel, they are then submitted to the defendant. This is followed until both sides have accepted 12.

"5. Then the court and the attorneys check their lists to see that all are together as to the 12 chosen. The court then reads out the names of the 12 chosen and tells the others they 'will not have to serve on this case.'

"6. This system preserves all rights of both parties, allows full examination for cause and the regular number of peremptory challenges, gives the defendant a full panel each time before he exercises a premptory, and relieves the attorneys from announcing whom they excuse. This announcement is made to the court and to opposing counsel. The juror never knows who excuses him or whether or not his name was ever reached.

"7. Should the original 20 be insufficient, then additional men are called around, qualified for cause and the same procedure followed. Special venires are handled the same way, reserving seats at the front for additional men.

"8. Every lawyer in our district likes the system very much. The jurors like it, too. The method may appear complicated on paper but in actual operation it is simple. It can be readily learned by actually seeing it in operation one time."

It follows the law all the way through unless it is a departure to examine more than 12 for cause, or to require a defendant to examine for cause until the plaintiff has accepted the jurors peremptory. The method was upheld in a criminal case wherein the defendant was convicted of murder in the case of *Smith v. State* (1940) 190 M. 24, 198 So. 562. In a separate concurring opinion Chief Justice Smith observed that Section 1277, Code of 1930, was not exactly followed but that same was not mandatory under Section 2064, Code of 1930, but "directory merely," and that it did not appear that the defendant's right to a fair and impartial jury was in any way impaired by the procedure followed.

Our committee recommends that the procedure thus outlined, and as used by Judge Stennis in the *circuit** court of his district, be adopted by the other *circuit** courts of Mississippi and put into use *upon the application in writing of either party to the cause, filed before the trial is commenced**. Since there are very definite advantages to be had from the system, our committee believes that it should be available in all our *circuit** courts *where either party desires to make use of it.** No party in interest could possibly complain and, on the other hand, there is much to be gained.

The Study Committee further feels that the trial of causes would be expedited by our rules of practice and procedure providing for the taking of depositions of parties plaintiffs and defendants and witnesses prior to trial, so as to allow discovery and perpetuation of testimony by oral examination. This procedure would conform to Rule 26 and Rule 30 of the Federal Rules of Civil Procedure and has been found, when put to the test of repeated use, satisfactory and workable.

Your committee has further considered with a great deal of inter-

*On motions from the floor the words in italics were stricken from the report by the Junior Bar Section. See *infra*, p. 645.

est the present distribution of representatives in the state legislature. When we contemplate upon the fundamental principles of democracy, the plan on which our legislature was founded, the hopes of giving all citizens of the state an equal right to be heard in governmental affairs and to be equally represented in the matter of making laws at the Capitol, and contrast these with the facts and figures of the census of 1940 as to population of counties, and consider the representation of each of the said counties, according to population, we have a rather grotesque picture. Representative Grover Doggett from Jones county has compiled a table which is attached hereto, which presents the situation graphically. The inequities of such distribution as prevails at present are glaring, and though many approach the abyss of "how to right the wrong" with fear and trembling, there ought to be some way to get across to the Promised Land without falling into a pit. A constitutional amendment would involve many pitfalls, but it is hoped that the Bar will keep these figures in mind and cure the evil at the first possible time.

Our Study Committee has observed the ever increasing work which is piled on the chancellors of the state. Almost without exception chancellors in each district find themselves in an endless mass of detail which frequently occupies their nights as well as their days. Mississippi has long prided itself in its distinguished judiciary, many of whom have risen to national fame as jurists. Something should be done to save our chancellors from the multifarious duties incident to non-controversial petitions and causes; this would give them some welcomed relief. Further, the duties of chancellor require our best legal talent and their compensation should be such as to justify the employment. Our judiciary, as a whole, is underpaid and most certainly our chancellors.

Respectfully submitted,

Frank E. Everett, Jr.
George Chaney
John E. Stone
Everett E. Cook
David Cottrell, Jr., Chairman

## COMPARISON BY COUNTIES OF REPRESENTATION IN LEGISLATURE

| County | Pop. | Reps. | County | Pop. | Reps. |
|---|---|---|---|---|---|
| Hinds | 107,273 | 3½ | Coahoma | 48,333 | 2 |
| Washington | 67,576 | 3 | Yazoo | 40,091 | 3½ |
| Bolivar | 67,574 | 2 | Holmes | 39,710 | 3 |
| Sunflower | 61,007 | 1 | Warren | 39,595 | 3 |
| Lauderdale | 58,247 | 3 | Lee | 38,836 | 2½ |
| Leflore | 53,406 | 1 | Monroe | 37,648 | 3 |
| Harrison | 50,792 | 1½ | Madison | 37,504 | 2 |
| Jones | 49,227 | 1 | Lowndes | 35,245 | 3 |

| County | Pop. | Reps. | County | Pop. | Reps. |
|---|---|---|---|---|---|
| Pike | 35,002 | 2 | Jackson | 20,601 | 1½ |
| Forrest | 34,901 | 1 | Clark | 20,596 | 1½ |
| Panola | 34,421 | 3 | Itawamba | 19,922 | 1½ |
| Tallahatchie | 34,166 | 1 | Tippah | 19,680 | 1½ |
| Copiah | 33,974 | 3 | Jasper | 19,484 | 1½ |
| Attala | 30,227 | 2 | Smith | 19,403 | 1 |
| Rankin | 27,934 | 2 | Tate | 19,309 | 2 |
| Neshoba | 27,882 | 1 | Pearl River | 19,125 | 1 |
| Lincoln | 27,506 | 1½ | Grenada | 19,052 | 1½ |
| Adams | 27,238 | 2 | Clay | 19,030 | 2 |
| Quitman | 27,194 | 1 | Yalobusha | 18,387 | 2 |
| Alcorn | 26,969 | 2 | Walthall | 17,534 | 1 |
| DeSoto | 26,663 | 2 | Covington | 17,030 | 1 |
| Humphreys | 26,257 | 1 | Tishomingo | 16,974 | 1 |
| Noxubee | 25,669 | 3 | Wayne | 16,928 | 1 |
| Marshall | 25,522 | 3 | Wilkinson | 15,953 | 2 |
| Leake | 24,570 | 1½ | Jeff Davis | 15,869 | 1 |
| Newton | 24,249 | 2 | Montgomery | 15,708 | 1½ |
| Marion | 24,085 | 1 | Sharkey | 15,433 | 1 |
| Scott | 23,144 | 1 | Webster | 14,160 | 1 |
| Pontotoc | 22,904 | 2 | Lawrence | 13,983 | 1 |
| Winston | 22,751 | 1½ | Jefferson | 13,969 | 1½ |
| Tunica | 22,610 | 1 | Choctaw | 13,548 | 1 |
| Oktibbeha | 22,151 | 2 | Claiborne | 12,810 | 1½ |
| Simpson | 22,024 | 1 | Franklin | 12,504 | 1½ |
| Kemper | 21,867 | 2 | Lamar | 12,096 | 1 |
| Union | 21,867 | 2 | Hancock | 11,329 | 1 |
| Amite | 21,829 | 2 | Benton | 10,429 | 1½ |
| Chickasaw | 21,427 | 2 | Greene | 9,512 | 1 |
| LaFayette | 21,257 | 2 | Perry | 9,292 | 1 |
| Prentiss | 20,921 | 2 | George | 8,704 | 1 |
| Calhoun | 20,893 | 2 | Issaquena | 6,433 | 1 |
| Carroll | 20,651 | 2 | Stone | 6,155 | 1 |

---

Concerning the first recommendation in the report (pertaining to the method of selecting a jury), Mr. Everett announced that the proposed system had been tried in Warren County and had proved very successful. He then declared that he had requested Judge John C. Stennis to be present to explain the operation of the system and that he should now like to have Judge Stennis speak. Judge Stennis' remarks and answers to questions follow:

Judge Stennis: I have no prepared talk or speech about this; I merely came in response to Mr. Everett's suggestion that I be here to answer questions if I could. I am not sponsoring this system, gentlemen, of selecting juries. I mean I am not sponsoring it before you or the legislature or anyone. I just have this feeling—that it is helpful to the lawyer, and I would be glad for all of them to be

acquainted with it and let such of them use it as they wish, their judge being willing. It is something that just grew along a little bit at a time. This was not all put into operation at once. Since I first thought of studying law, I have heard jurors talking about lawyers for excusing them. I have known of instances where they mentioned it twenty-five years later. Now that came home to me when I was practicing District Attorney, meeting the same jury for an entire week, and I happened to be in the Supreme Court room and got a glimpse of the so-called strike system. After I started serving as Circuit Judge, I tried to work out something primarily to relieve the lawyer of ever having to announce openly whom he excused. Indirectly, it does serve the point here that Mr. Everett mentioned—it saves a world of time.

Every lawyer in our district approves of it whole-heartedly. I just took the liberty of putting it to test in a criminal case where a man was charged with murder. They were ready to examine the jury for cause. I put twenty in the box to start with. That has an advantage in that if a man is to be eliminated he will be eliminated right then, and the lawyers on both sides know it. I asked them to finish the examination but told them if they later wanted to excuse anybody for cause they could do so. I just put it to a test. An exception was taken, and it went to the Supreme Court and all judges concurring in an affirmative opinion said that it was all right. Judge Smith especially concurred, but he said it did not exactly follow section 1277, Code of 1930, but section 2064 made Section 1277 not mandatory and that no injustice was done. The gentleman who wrote the major part of the opinion was of the opinion that it helped the lawyer too by knowing who was coming next.

Mr. J. H. Caldwell: Why not put the whole twenty-four in there?

Judge Stennis: That is entirely all right, but I find twenty jurors enough; eight extra men are about all you have room for. If you have room for them all, put them all in.

Mr. Tally Riddell: As I understand it then, you have twenty in the box and when you get through questioning them, the lawyer representing the plaintiff questions them; then I give you the ones I want to get rid of. I strike them off the list and they are not excused out of the group until the lawyer for the defendant does likewise. They all keep their seats and finally when I have said I don't want John Smith, or John Jones, and this other man, you indicate that on your list and I do too, and the defending lawyer does likewise, and if I excuse three and he excuses three, then you announce these six are excused.

Judge Stennis: I never call those names; I just read the names of the chosen twelve and say to the other gentlemen, "You don't have to serve."

Mr. Riddell: You simply announce without anyone knowing our minds, that the following will serve on the case.

JUDGE STENNIS: And I tell the other gentlemen they may return to the body of the court room. I keep the list and if any question comes up during the trial, I can go back to the list and tell who excused whom, how many were excused, and the order in which they were excused, meaning the plaintiff excused them in that order, like P1, P2, P3, or P4. I have here a dummy jury list marked as it would be marked after a jury is selected. Any of you who wish to go over it after the meeting may do so.

MR. DAVID CRAWLEY: May I ask a question? Suppose after you get through digging in as we do, and you have certain men you want to get rid of, and want to find an excuse for them to be disqualified without cause, suppose you have this twenty and when I got through you only had fourteen—at that time do you call in the others or do you operate from that?

JUDGE STENNIS: Suppose six were disqualified for cause, leaving fourteen sitting there. Without letting them know they were excused, I usually let the bailiff make a vacancy on the front seat in the court room and I call out twelve or fourteen names and ask them to sit there a while. I call some who have been excused and some who have not, making room for more prospective jurors and they never knew whether they were excused, or whether we got to their names or not. You are using twenty men; sometimes you get it out of seventeen. There is one point—when the plaintiff's attorney examines for cause, I ask the defending attorney to examine for cause. That is a little variant. That is what Judge Smith said is not directly in line with Section 1277 of the Code, but Section 2064 made it not mandatory anyway and no harm was done, and he confirmed the opinion of the case. Judge Griffith said the system was better from both sides because it lets them know which jurors were coming, which ones were qualified.

MR. EVERETT: If I bring out a question that I think disqualifies this man for cause, you simply hear it and pass on it?

JUDGE STENNIS: I indicate to you attorneys so the juror does not know. If it is kinship, I say we need a little room; but ordinarily they do not know anything about it.

MR. BILLY H. QUIN: I move its adoption.

THE CHAIR: Suppose we approve the committee's recommendations respecting the selection of jurors. Let's call for a second to the motion.

MR. QUIN: I would like to ask a question. I just wanted to know why not put this proposal up to the court as a suggestion that they use this type of selection.

MR. EVERETT: It is simply a proposal. The idea of it is that the Committee has drawn a bill to be presented and, if it is approved and if the association wishes to present the matter further to express high authority, they proceed in this manner in selecting the jury if the

lawyers in the court desire to put it into effect in that particular district or that particular Bar. It may be presented, I don't know whether it is limited or not here to the circuit court, but it is not the desire of the committee to limit it simply to the circuit court. If it is good for the circuit court, it is good for the county court.

THE CHAIR: Do you mean to amend the report providing it be adopted in the courts of the other counties, district and county courts?

MR. EVERETT: It would be entirely agreeable for the chancery court, or any court where a jury is selected.

THE CHAIR: Would you say "by the other courts in Mississippi?"

MR. EVERETT: Unless you get into something, I don't know if you would run into a special procedure, but that will suit me all right. Put in "any court where juries are selected."

MR. J. P. COLEMAN: I believe I am the only District Attorney in this meeting, and I was quite interested to hear what Judge Stennis said were his experiences as District Attorney on this particular proposition. For instance in my district, we still very vigorously prosecute violation of the prohibition statute. I have had to stand for a whole week and excuse the same set of men as regularly as they were called up, and it was shown that they were not acceptable to me in that kind of prosecution, and it seems to me it is a good thing, and it certainly is. There is no doubt of it. I don't see that it is open to any criticism and why it should even be limited to "the application of any party in writing." Wouldn't the court, after investigating, have a right to follow that procedure just as Judge Stennis does, and notify the attorneys as to that effect—give the effect and endorse it to that effect here today. If it needs a statute, let's get up one; but as long as we leave it to the "application of any party" you never know where you are. One time I am saying: "Judge, you don't want Bill Jones," and the next time we might get a chance to use Judge Stennis' system.

THE CHAIR: What is your reaction—that "directory" be changed to "mandatory?"

MR. EVERETT: The idea of the committee as I understand it is that this is something of a new procedure for the Bar. It may meet with approval in some instances where the Bar cooperates and puts it into effect, and the idea was not something we should try to ram down. We were rather trying to touch lightly on the subject and make it available as suggested procedure for any of those who wish to adopt it. The committee heartily approves the matter and, as far as that goes, it has no objection to making it as strong as possible. We think it would be a good thing to put in our statute law as a regular way to select a jury, but the idea was that any action of this body, before it can go much farther, must be reported to the Senior Bar, or the regular Bar Association, and we were trying to touch lightly on the matter at first, and we were not trying to overthrow or overturn any District Attorney, or any attorney we know of. In effect, we were

going lightly instead of going at it strongly. But as far as the Committee is concerned, we are entirely willing to present it, endorse it, and second it to put it over and make it mandatory in all courts where the jury is selected as a procedure.

THE CHAIR: Mr. Coleman, would you care to present a motion that the committee's recommendation be amended to make it mandatory instead of directory, and keep in mind the proposition of having the State Bar approve it, and that the feeling sometimes occurs that the young lawyers think everything new is good, and everything old it not?

MR. COLEMAN: I think we can accomplish it by striking out seven or eight words in the fourth paragraph where it says: " . . . where either party desires to make use of it." I don't see where we serve any useful purpose by throwing out the provision that it will just be left to the whim and fancy of the litigant when he presents himself to the Bar. For instance, this man is perfectly all right on a murder case, but suppose I want to try someone for burglary or some other violation of the law. The district attorney would get himself in a hopeless hodge-podge following it one time and having to reverse himself the next time. If it is in order, I move we strike out the language in the fourth paragraph where it says "either party desires to make use of it." I think the system should be uniform in one way or another. That is on the second page of the report.

[Mr. Coleman's motion was passed.]

MR. CLARK: Mr. Everett, will you read how it will read after that has been stricken?

THE CHAIR: We will strike out the words "upon the application in writing of either party to the cause filed before the trial is commenced." It will read that "the other courts of Mississippi and put into use."

MR. EVERETT: There is another line in there, "whether either party desires to make use of it." That should also be eliminated. In other words, in this paragraph our committee recommends that the procedure thus outlined and as used by Judge Stennis in the Circuit Court of Mississippi be adopted by other Circuit Courts—that would be "other courts," striking out the word "circuit"—I make that motion, and let it read as it is by "the other courts of Mississippi and put into use." Since there are very definite advantages to be had from the system, our Committee believes that it should be available—strike out "circuit" courts. No party interested could possibly complain and, on the other hand, there is much to be gained.

THE CHAIR: The motion made and seconded before the house is that the proposal as amended be approved. Any further discussion? All in favor let it be known by saying aye—opposed no.

Motion carried.

A motion by Mr. Arlington Jones that a copy of this method of selecting a jury be furnished all circuit and county court judges within the State was passed.

Mr. Everett then made separate motions that the three other recommendations in the report of the Study Committee be adopted and all motions were passed.

The Chairman called for the report of the Code Committee. He announced that Mr. James A. Blalock, of Jackson, the first Chairman, had been called to the Army and that Mr. Nugent Shands, of Jackson, had assumed the chairmanship. As Mr. Shands was unable to be present, the Chairman asked Mr. John W. Wade, of University, a member of the Committee, to present the report. The report follows:

## REPORT OF CODE COMMITTEE

### I

### An Act Amending Chapter 296, Laws of 1942, and Prescribing the Manner in Which Foreign Corporations May Withdraw From the State of Mississippi and for Other Purposes

Section 1. Be it enacted by the Legislature of the State of Mississippi that Chapter 296 of the Laws of 1942 be and the same is hereby amended as follows:

Section 2. That any corporation created under the laws of any state, territory or government now, or hereafter, qualified to do business in this state, as provided for by statute, should desire to withdraw from the State of Mississippi may do so by complying with the provisions of this act.

Section 3. That any corporation desiring to avail itself of the provisions of this act may do so by filing in the office of the Secretary of State: (a) Sworn statement executed by the president and secretary, under the corporate seal, that the corporation has withdrawn from operations in the state, and that it has no property and assets in the state; (b) In case the corporation has been dissolved, then a certified copy of whatever instrument was necessary to dissolve said corporation under the laws of the state in which it was incorporated; (c) If the corporation has ceased to do business without having taken the legal steps to have it dissolved, then a sworn statement to that effect, made by some former officer of the corporation, or some credible person having knowledge of such fact.

The filing of any instrument under the provisions of this Act shall be accompanied with a fee in the sum of $2.00, payable to the Secretary of State.

Section 4. That the filing of any instrument set out in the preceding section shall entitle such corporation to withdraw from the State of Mississippi and shall give the Secretary of State the authority to

cancel and revoke the appointment of resident agent or power of attorney of said corporation from and after the date of the filing of said instrument in the office of the Secretary of State; that said withdrawal and cancellation of the resident agent or power of attorney shall in no wise affect any claim, suit or demand, either liquidated or unliquidated of any nature, of the State of Mississippi, or of any person, firm, corporation, or copartnership, arising out of such right to transact business in this state by such corporation, provided action is taken within the time limit allowed by statute; and process may be had on the corporation in the same manner as though the corporation had not withdrawn from the state.

Section 5. That this act shall take effect and be in force from and after its passage.

NOTE: This change has been suggested by the Secretary of State's office in view of the fact the law as it now stands is too strict for enforcement.

II

AN ACT TO AMEND Chapter 245 of the Laws of 1940 so as to provide for an appeal to the Chancery Court from judgments and orders of Board of Supervisors and any municipal authorities when bonds are ordered issued by any such Board and for the transfer to the proper Chancery Court of pending appeals and for the consolidation and determination of such appeals with proceedings for the validation of such bonds and providing for the hearing of such proceedings.

Section 1. Be it enacted by the Legislature of the State of Mississippi that Chapter 245 of the Laws of 1940 be and the same is hereby amended to read as follows:

APPEAL TO CIRCUIT COURT AND FROM BOARD OF SUPERVISORS OF MUNICIPAL AUTHORITIES AND PROVIDING FOR THE CONSOLIDATION AND DETERMINATION OF APPEALS IN CONNECTION WITH THE ISSUANCE AND VALIDATION OF BONDS.

Any person aggrieved by a judgment or decision of the Board of Supervisors or municipal authorities of a city, town or village, except orders of the Board of Supervisors and municipal authorities issuing bonds, may appeal within ten days from the date of adjournment at which session the Board of Supervisors or municipal authorities rendered such judgment or decision and may embody the facts, judgment and decision in a bill of exceptions which shall be signed by the person acting as president of the board of supervisors or of the municipal authorities; and the clerk thereof shall transmit the bill of exceptions to the circuit court on or before the first day of the next succeeding term, or at once if the court be in session, and the court shall hear and determine the same on the case as presented by the bill of exceptions as an appellant court, and shall affirm or reverse

the judgment; and if the judgment be reversed, the circuit court shall render such judgment as the board or municipal authorities ought to have rendered, and certify the same to the board of supervisors or municipal authorities, and cost shall be awarded as in other cases. The board of supervisors or municipal authorities may employ counsel to defend such appeals, to be paid out of the county or municipal treasury.

Any person aggrieved by a judgment, or order, or decision of the board of supervisors or municipal authorities of a city, town or village, issuing or refusing to issue bonds of a county, or of any School District, Road District, of any county, or counties, or of any political subdivision, or of any city, town or village, may appeal to the Chancery Court of the County of the Board or other authorities ordering any such bonds issued and may embody the facts and decisions in a bill of exceptions which shall be signed by the person acting as President of the Board or of the Mayor of the municipality; and the Clerk thereof shall transmit the bill of exceptions to the Chancery Court on or before the first day of the next succeeding term, or at once if the court be in session and the court shall hear and determine the same on the case as presented by the bill of exceptions as an appellate court and shall affirm or reverse the judgment; and if the judgment be reversed, the Chancery Court shall render such judgment as the board or municipal authorities ought to have rendered, and certify the same to the proper board of supervisors or municipal authorities and costs shall be awarded as in other cases.

That when an appeal is taken to the Chancery Court as herein provided, such appeal shall not delay the institution and conduct of validation proceedings where said bonds are ordered validated at the same or a subsequent meeting of the issuing board from whose order the appeal has been prosecuted; and, in such event, the appeal proceedings and the validation proceedings shall be consolidated by the same Chancery Court and heard and determined as one cause and may be heard and determined either in vacation at a time ordered by the Chancellor or court, or at a regular term of the Chancery Court and in such consolidation proceedings all objections to the said bonds and to their validation shall be heard and determined as now provided by law.

All appeals now pending in the Circuit Court of any county from orders or ordinances of Boards for the issuance of any bonds are hereby ordered transferred to the Chancery Court of the County and Judicial District thereof in which the appeal is pending, duly certified by the Clerk of such Circuit Court in which the appeal is pending, and such pending proceedings shall be consolidated as herein provided with any proceedings already ordered or thereafter ordered by the issuing Board for the validation of said bonds.

Any appeal shall not prevent nor delay validation proceedings and it shall not be necessary to recast or amend in the Chancery Court the record upon appeal.

Any appeal and validation proceedings shall be heard by the Chancellor at a time and place fixed by him in vacation or term time and when validation proceedings are initiated no further notice shall be given to any appellant or other interested party than the published notice to taxpayers in the validation proceedings, but such notice shall constitute due process and due notice to all parties concerned of the time and place of hearing the consolidated causes.

Section 2. That this Act shall be in full force and effect from and after its passage and shall apply to all cases wherein appeals have been perfected or any steps have been taken for such appeal.

NOTE: As the law now stands the Chancery Court has jurisdiction of validating bond issues, however, when the taxpayers object to the issuance of the bonds, Section 61, Laws of 1930, provides for an appeal to the Circuit Court. It has occurred in the past that where a municipality issues bonds and there is objection by the taxpayers, there will be an appeal to the Circuit Court and then to the Supreme Court. If the Supreme Court should hold that the bonds should be issued, the matter would have to go back to the municipality and validation proceedings would then have to be taken in the Chancery Court.

It is thought by some members of the Code Committee that if we provided for an appeal to the Chancery Court in the first instance that all matters could be decided by the Court and then an appeal to the Supreme Court would settle all questions involved.

## III

## AN ACT REQUIRING CORPORATIONS TO FILE ANNUAL STATEMENTS IN THE OFFICE OF THE SECRETARY OF STATE: THEIR CONTENTS AND PENALTIES FOR FAILURE TO COMPLY WITH THIS ACT.

Section 1. BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI, That every corporation, foreign or domestic, except those having no authorized capital stock and not organized for individual profit, shall file with the secretary of state, on or before the 30th day of June each year, a written statement showing its name, domicile in this state, principal office within or without this state, and if a foreign corporation, the date it qualified to do business in this state, character of its business, name and address of its resident agent in this state, if any, its authorized capital stock, its outstanding capital stock, and the names and addresses of its officers and directors, which statement shall be signed by one or more of its officers or by two of its directors. Every failure of any such corporation to comply with the provisions of this act [within thirty days after being notified so to do by the Secretary of State]* shall subject the

*The clause within the brackets was added by motion passed by the Junior Bar Section. See *infra*, p. 656.

corporation to a penalty of $10.00; and if said penalty is not paid and the provisions of this act complied with within six months after notice from the secretary of state so to do, mailed to its domicile or principal place of business as shown by the records of his office, shall subject said corporation to a further penalty of not exceeding $100.00, to be recovered by suit in the name of the state, instituted by the attorney general, the amount of the penalty within such limit, to be within the discretion of the court. Provided, that where a corporation is out of existence and has no officers or agents to make said report, then, in that event any former officer, agent or stockholder or other person having knowledge of the facts of such corporation may, in lieu of said report, make and file with the secretary of state an affidavit showing that such corporation has ceased to do business and the said secretary of state may make notation thereof on the margin of the corporation records in his office.

That it shall be the duty of the secretary of state to keep and file in his office all of the reports herein provided for.

This act shall not apply to any corporation having no capital stock and not organized for individual profit; nor to any bank, building and loan association, federal savings and loan association, or insurance companies.

Section 2. That this act takes effect and be in force from and after its passage.

## IV

## AN ACT TO AMEND SECTION 4140, CODE OF 1930, SO AS TO PROVIDE FOR SERVICE OF PROCESS ON FOREIGN CORPORATIONS DOING BUSINESS IN THIS STATE.

Section 1. BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI, That Section 4140, Mississippi Code of 1930, be and the same is hereby amended so as to read:

Every domestic corporation shall maintain an office in the county of its domicile in this state, either in charge of an officer or officers of the corporation, or in charge of some person or corporation duly designated as resident agent for the service of process by the directors (by whatever name called) of such corporation, a duly certified copy of the resolution designating such resident agent, and the written acceptance of such agency by the agent, to be filed with the secretary of state. In the event of the death, resignation or removal of such resident agent, another shall be substituted within thirty days in the same manner and accompanied by the same fee as in the former appointment; and until such substitution, or in event of the failure of a corporation to so designate and qualify a resident agent where one is required by this act, the secretary of state shall be the agent for the service of process upon such corporation without resident agent, until one shall have been designated as herein provided.

Every foreign corporation, whether domesticated or not, doing business in this state or which has a usual place of business in this state, or owns real property therein, or which is engaged therein, permanently or temporarily, in the construction, erection, alteration, maintenance or repair of a building, bridge, railroad, or structure of any kind, or in the construction, maintenance, or repair of roads and highways, or engaged in the doing of business of any kind or nature, shall, before doing business in this state, appoint in writing some resident person or corporation, or the secretary of state and his successors in office, to be its true and lawful attorney upon whom all lawful processes in any action or proceeding it may be served, and in such writing shall consent that any lawful process against it, which is served on said attorney shall be of the same legal force and validity as if served on the corporation in this state, and that the authority shall continue in force so long as any liability remains outstanding against the corporation in this state. The power of attorney and a copy of the resolution designating such resident agent, duly certified, shall be filed in the office of the secretary of state, and copies certified by him shall be sufficient evidence thereof. In event of the failure of a corporation to so designate and qualify a resident agent, the secretary of state shall be the agent for service of process upon such corporation. In the event of the death, resignation, removal, or absence from the state for a period of ten days or more, or a resident agent other than the secretary of state, another shall be substituted within thirty days in the same manner and accompanied by the same fee as in the former appointment; and until such substitution the secretary of state shall be the agent for the service of process upon such corporation until one shall have been designated as herein provided. Any foreign corporation doing business in this state but failing to designate a resident agent shall not be permitted to bring or maintain any action or suit in any of the courts of this state.

When legal process is served upon the secretary of state as attorney for a foreign or domestic corporation, he shall forthwith notify the company of such service by letter prepaid and directed to the last known address or domicile of the company, or to the address set forth in said process; said notice shall have attached thereto copy of said process, but the failure of the secretary of state to notify the company shall not affect the validity of such service, but shall subject him to liability on his bond for such damages as the company shall suffer thereby. As a condition of the valid and effectual service and of the duty of the secretary of state in the premises, the plaintiff in such process shall pay to the secretary of state at the time of the service thereof the sum of two dollars, which the said plaintiff shall recover as taxable costs if he prevails in his suit. The secretary of state shall keep a record of all such proceedings, which shall show the day and hour of service. All processes or summons served on the secretary must be served in duplicate by the sheriff of Hinds County, Mississippi, and the venue of such actions shall be governed by the laws of this state relating to suits against corporations.

Section 2. That this act be in force and effect from and after its passage.

## V

## DECLARATORY JUDGMENTS AND DECREES REGULATED BY UNIFORM LAW

1. Rights, and other legal relations declared; declaration affirmative or negative; effect as final. —Courts of record within their respective jurisdictions shall have the power to declare rights, status, and other legal relations whether or not further relief is or could be claimed. No action or proceeding shall be open to objection on the ground that a declaratory judgment or decree is prayed for. The declaration may be either affirmative or negative in form and effect; and such declaration shall have the force and effect of a final judgment or decree.

2. Declaration of rights under a deed, will, or written contract, or under a statute, city ordinance, contract, or franchise.—Any person interested under a deed, will, written contract, or other writings constituting a contract, or whose rights, status, or other legal relations are affected by a statute, municipal ordinance, contract, or franchise, may have determined any question or construction or validity arising under the instrument, statute, ordinance, contract, or franchise and obtain a declaration of rights, status or other legal relations thereunder.

3. Contract construed before or after a breach.—A contract may be construed either before or after there has been a breach thereof.

4. Declaration of rights for one interested in a trust or a decedent's estate, including construction of wills and other writings.—Any person interested as or through an executor, administrator, trustee, guardian, or other fiduciary, creditor, devisee, legatee, heir, next of kin, or cestui que trust, in the administration of a trust, or of the estate of a decedent, an infant, lunatic, or insolvent may have a declaration of rights or legal relations in respect thereto:

(a) To ascertain any class of creditors, devisees, legatees, heirs, next of kin, or others; or

(b) To direct the executors, administrators, or trustees to do or abstain from doing any particular act in their fiduciary capacity;

(c) To determine any question arising in the administration of the estate or trust, including questions of construction of wills and other writings.

5. Enumeration that does not restrict the exercise of powers in first section.—The above enumeration does not limit or restrict the exercise of the general powers conferred in the first section of this article, in any proceeding where declaratory relief is sought, in which a judgment or decree will terminate the controversy or remove an uncertainty.

6. Court may refuse declaratory judgment or decree, when.—The court may refuse to render or enter a declaratory judgment or decree where such judgment or decree, if rendered or entered, would not terminate the uncertainty or controversy giving rise to the proceedings.

7. Review as in other cases.—All orders, judgments, and decrees under this article, may be reviewed as other orders, judgments and decrees.

8. Further relief after declaratory judgment or degree, when; petition for.—Further relief based on a declaratory judgment or decree may be granted whenever necessary or proper. The application therefor shall be by petition to a court having jurisdiction to grant the relief. If the application be deemed sufficient, the court shall, on reasonable notice, require any adverse party whose rights have been adjudicated by the declaratory judgment or decree, to show cause why further relief should not be granted forthwith.

9. Issues of fact to be tried and determined as in other civil actions.—When a proceeding under this article involves the determination of an issue of fact, such issue may be tried and determined in the same manner as issues of fact are tried and determined in other civil actions in the court in which the proceeding is pending.

10. Costs awarded as may seem equitable and just.—In any proceeding under this article the court may make such award of cost as may seem equitable and just.

11. Who are necessary parties.—When declaratory relief is sought, all persons shall be made parties who have or claim any interest which would be affected by the declaration, and no declaration shall prejudice the rights of persons not parties to the proceeding. In any proceeding which involves the validity of a municipal ordinance or franchise, such municipality shall be made a party, and shall be entitled to be heard, and if the statute, ordinance, or franchise is alleged to be unconstitutional, the attorney-general of the state shall also be served with a copy of the proceeding and be entitled to be heard.

12. This article is remedial and is to be liberally construed and administered.—This article is declared to be remedial; its purpose is to settle and to afford relief from uncertainty and insecurity with respect to rights, status, and other legal relations; and is to be liberally construed and administered.

13. Word "person" means what.—The word "person" wherever used in this article, shall be construed to mean any person, partnership, joint stock company, unincorporated association, or society, or municipal or other corporation of any character whatsoever.

VI

Section 1. BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI, That in an action in which the

mental or physical condition of a party is in controversy, the court in which the action is pending may order him to submit to a physical or mental examination by a physician. The order may be made only on motion for good cause shown and upon notice to the party to be examined and to all other parties and shall specify the time, place, manner, conditions and scope of the examination and the person or persons by whom it is to be made.

Section 2. If requested by the person examined, the party causing the examination to be made shall deliver to him a copy of a detailed written report of the examining physician setting out his findings and conclusions. After such request and delivery the party causing the examination to be made shall be entitled upon request to receive from the party examined a like report of any examination, previously or thereafter made, of the same mental or physical condition. If the party examined refuses to deliver such report the court on motion and notice may make an order requiring delivery on such terms as are just, and if a physician fails or refuses to make such a report the court may exclude his testimony if offered at the trial; that the physician's fee for any such examination shall be fixed by the court and taxed as other costs in the case.

Section 3. By requesting and obtaining a report of the examination so ordered or by taking the deposition of the examiner, the party examined waives any privilege he may have in that action or any other involving the same controversy, regarding the testimony of every other person who has examined or may thereafter examine him in respect to the same mental or physical condition.

Section 4. That this act take effect and be in force from and after its passage.

VII

Section 1. BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI, That section 45 of Chapter 200 of the Mississippi Laws of 1938 be and the same is hereby repealed.

Section 2. (Section 45, Chapter 200, Laws of 1938). All required accident reports and supplemental reports shall be without prejudice to the individual so reporting and shall be for the confidential use of the department except that the department may disclose the identity of a person involved in an accident when such identity is not otherwise known or when such person denies his presence at such accident. No such report shall be used as evidence in any trial, civil or criminal, arising out of an accident, except that the department shall furnish upon demand of any person who has, or claims to have, made such a report or, upon demand of any court, a certificate showing that a specified accident report has or has not been made to the department solely to prove a compliance or a failure to comply with the requirement that such a report be made to the department.

Section 3. That this act take effect and be in force from and after its passage.

VIII

Section 1. BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI, That section 497 of the Mississippi Code of 1930 be amended to read as follows:

Section 2. Venue—Actions Against Insurance Companies.—Actions against insurance compainies may be brought in any county in which a loss may occur, or, if on a life policy, in the county in which the beneficiary resides, and process may be sent to any county, to be served as directed by law; and such actions may also be brought in the county where the principal place of business of such corporation or company may be, and in case of a foreign corporation or company, may be brought in the county where service of process may be had on an agent of such corporation or company or service of process in any suit or action, or any other legal process, may be served upon the insurance commissioner of the State of Mississippi, and such notice will confer jurisdiction on any court in any county in the state where the suit is filed, provided the suit is brought in the county where the loss occurred, or in the county in which the *insured or beneficiary* resides.

Section 3. That this Act take effect and be in force from and after its passage.

NOTE: This section changes the existing statute only by substituting the words in italics for the word "plaintiff."

IX

Section 1. BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI, THAT paragraph (g) of Section 11 of Chapter 147 of the Mississippi Laws of 1938, as amending Chapter 136 of the Laws of 1936, be amended to read as follows:

Section 2. Each employing unit shall keep true and accurate work records, containing such information as the Commission may prescribe. Such records shall be open to inspection and be subject to being copied by the Commission or its authorized representatives at any reasonable time and as often as may be necessary. The Commission, board of review and any referee may require from any employing unit any sworn or unsworn reports, with respect to persons employed by it, which they or any of them deem necessary for the effective administration of this Act. Information thus obtained, or obtained from any individual pursuant to the administration of this Act, shall, except to the extent necessary for the proper administration of this Act be held confidential and shall not be published or be open to public inspection (other than to public employees in the performance of their public duties) in any manner revealing the individual's or employing unit's identity, *unless the production of such record or records be ordered by some court of competent jurisdiction,* but any claimant (or

his legal representative) at a hearing before an appeal tribunal or the board of review shall be supplied with information from such records to the extent necessary for the proper presentation of his claim. Any employee or member of the board of review or any employee of the Commission who violates any provision of this section shall be fined not less than $20.00 nor more than $200.00, or imprisoned for not longer than ninety days or both.

Section 3. That this act take effect and be in force from and after its passage.

NOTE: The statute is changed by adding the words in italics.

Respectfully submitted,

Nugent Shands, Chairman
Frank C. Horton
Wm. A. Huff
Webb M. Mise
J. C. Neill
John W. Wade
Earl T. Thomas
Junior O'Mara
George F. Woodliff
Charles Fair
H. M. Love, Jr.
J. K. Travis
Thos. H. Watkins
John E. Stone
Committee

---

The recommendations of the Committee were explained consecutively by Mr. Wade, and on separate motions for each of the recommendations all of them were adopted except the sixth one which failed to pass. On motion from the floor a minor amendment was made in the third recommendation to make the second sentence in section one of this recommendation read as follows: "Every failure of any such corporation to comply with the provisions of this act *within thirty days after being notified so to do by the Secretary of State* shall subject the corporation to a penalty of $10.00. . . ." (Matter in italics was added.)

Chairman Stevens presented the following resolution which had been adopted by the Executive Committee:

RESOLVED, that the Executive Committee of the Junior Bar Section recommended to the Senior Bar Section at the regular meeting in June, 1942, the adoption of a by-law permitting the election of honorary members from the Mississippi State Bar to the Junior Bar Section on the nomination of the Executive Committee, not to exceed more than two in any one year.

On motion of Mr. John W. Wade the resolution was adopted.

Following announcements, the meeting recessed.

## EVENING SESSION, JUNE 10, 1942

The meeting was called to order by John Morgan Stevens, Jr., Chairman, who presented the speaker of the evening, Judge W. G. Roberds, of the Mississippi Supreme Court. Judge Roberds' address follows:

### CONSTITUTIONAL LIBERTY

W. G. Roberds

I am very grateful to John Morgan Stevens for the kind remarks he made. I am especially so to him, son of a worthy father, of a worthy father pioneer in the State of Mississippi, conservative and sincere. What he said I appreciate more than I would, perhaps, if said by someone else.

I want to say to the members of the Junior Bar that I had pictured the situation quite different from what it is now. I thought I would be speaking only to the Junior Bar. I didn't know they were going to open the doors of the church and let all the sinners come in. I was going to say, and I will say to the members of the Junior Bar, that I am very happy to be here. That, so far as they are concerned, is different from the ordinary trite saying of that kind that the speaker does not mean and when the audience is more bored than the speaker. Perhaps that will be true for you in the latter part of the evening, but it is not with me as far as the Junior Bar is concerned. I might say that it is a little mixed. It is not unmixed because I see we have opened the doors and let in all of the old heads. They have showed up as though they didn't know that this is really a Junior Bar. Now that is bad for the meeting. In addition to that, I see a Supreme Court Judge and an ex-Supreme Court Judge out there, and the truth of the business is that one Supreme Court Judge can take the pleasure out of any meeting.

I thought this out, and, after seeing the situation, I wish I had the power to change it. I was undecided whether to speak to you about the workings of the Supreme Court and how we attempt to keep the law in force, possibly closing with some suggestions as to how to practice law before the Supreme Court, or whether to talk to you about the principles and the fundamentals of our government. I decided to do the latter and leave the first to another day because I anticipate that we are not going to have much practice before the Supreme Court for the next two or three years, because I think we are in danger of losing some of our fundamental principles, and because of the further fact that, as far as the Junior Bar is concerned, I think it lies within your hands more than anyone else or any other class to preserve and maintain those fundamental principles of our government.

I say that we are in danger of losing those privileges and those blessings in whole or in part. I am going to ask you to bear with me while I try to develop that. I say we are in danger of losing them,

we have been in danger, we are in danger now, and we will be in danger in the future because, as far as I recall, this is the only time that any ruling dictator has ever been able to stir a people up to such a pitch that they are willing to kill and slaughter millions of innocent people for the avowed and express purpose, according to Hitler, of abolishing democracy and freedom. Wars have been fought for freedom; they have been fought as a matter of self-protection and defense; they have been fought for power for the ruler; but, so far as I recall, this is the only time that a war has ever been fought for the express purpose of enslaving the rest of the people and destroying those principles embodied in the Constitution of the United States.

I am going to divide what I have to say briefly into three parts: the conditions which called for the adoption of the Constitution, the adoption of the Constitution, and some of the principles that are involved therein.

The adoption of the Constitution was a necessity. The colonies had operated for six years under the Articles of Confederation. Those Articles could be amended only by unanimous consent, and that could rarely be gained because of the jealousy that existed between the larger and smaller colonies. The Continental Congress had no power to raise money, and the national government was greatly in debt. All that Congress could do was ask the colonies to raise money. They did ask for $8,000,000, and they raised less than $250,000. The soldiers of the American Revolution had not been paid their small pensions. There was unrest in the entire country.

These soldiers stacked their arms and appeared before the Continental Congress to wait legislative action to pay them their pensions. Hamilton, who had been an officer in the Revolution, went out to appease them. He came back and informed the members of the Congress that they had better flee for their lives, and they did; they went out the back door. The officers present called a meeting of the other officers, and Washington, the Commander-in-Chief, cancelled it and called another meeting at another time and place. He unexpectedly appeared before them, and he was able to keep them from taking drastic action by telling them he had grown grey in service of his country and that he was then growing blind.

They sent for delegates to come to a convention. Washington was a delegate from Virginia. He left Mt. Vernon in a carriage and was four days making the trip to Philadelphia. That is interesting now because by airship you can make it in some thirty or forty minutes. Well, when he got to Philadelphia, Benjamin Franklin, Governor of Pennsylvania, gave a party. He knew that Franklin could give the right kind of a party. At that party Franklin showed them a rocking chair over which he had erected a fan so that when he rocked it would keep the flies off. He also showed them an artificial arm and hand and how he could reach up and pull books out of the shelf without getting up. Franklin was fat and had the gout.

The convention assembled in Liberty Hall, which is a building about fifty by fifty-five feet. Washington was unanimously elected President. The first order of business was that they voted that all proceedings should be entirely secret. They did this because ordinarily people don't act wisely under public scrutiny. They are thinking about what the public thinks instead of the merits of the question. It also has a deterrent effect upon long debates and long speeches. It also enables men to compromise once they have taken a position, and, what is more, after it is through, it enables the public to concentrate upon the finished work and the finished document rather than the arguments and the debates. There were seventy-two delegates; each colony had one vote. The greatest number present at one time was fifty-five; the average was forty. Franklin was eighty-seven years old; Washington was fifty-five; Hamilton was thirty. The meeting lasted four months.

I might pause here to mention Alexander Hamilton in connection with it. He had very little to do with adopting the Constitution. He was not a democrat; he had a plan, but it was not a democratic plan. He was responsible for the electoral college and that is about all, but he does have that to his credit. He was governor of New York and, except for the fact that he got out and worked and spoke for it and had it ratified by New York, the Constitution might not have been adopted by a sufficient number of the colonies.

Benjamin Franklin spoke twice. Once he spoke when the convention was at a deadlock. It was at an impasse. The small colonies were jealous of the large colonies. Franklin made a speech which is rather famous. He said he had grown old and, as the years had passed, had learned how fallible he was and how likely to be mistaken. He suggested that the convention adjourn for three days and that those having opposite views discuss with each other their differences during that time. They did that, and they adopted a compromise plan of two senators for each state, giving each state regardless of size equal representation in the Senate, but the lower house would be apportioned according to the population. That compromise plan was adopted.

Well, to pass over it, they adopted the Constitution, a document of about 4,000 words; it can be read in twenty-five minutes. At one time I said something about its being half as long as Paul's letter to the Corinthians, but the people present at the meeting to which I was speaking didn't know what I was talking about, so I won't try it on you. I come now to the important part, the principles involved.

The first principle involved in that document is this, that all of the powers are possessed by the people. That was revolutionary. Before that time the powers which were possessed by the people were handed to them by the potentate like manna from heaven, and the rights acquired by the people were acquired at the point of the sword, and oftentimes after bloodshed, at the point of the sword.

That reminds me, I just happened to think of this story. The

trustees of the public school out in the country visited the school to see how the children were getting along, and the teacher wanted to show off and asked one little boy, "Who is responsible for the Magna Charta?" The little boy thought they had caught him doing something he shouldn't, and he said, "I don't know who is responsible for it, but I'm not." One of the trustees who liked the looks of the little boy said to the other one, "I don't believe he is. That boy is all right." The boy started to walk out and the other trustee said, "Call that boy back. I think he is responsible."

Our forefathers said the people who live in this new country have certain God-given rights, and they possess all the power, and this government is not going to possess any power except what these people confer upon it. That was a different starting point from which any start had ever been made before. The second thing they said was that this is to be a representative form of government. That is to say, there is no such thing as a pure democracy. It is impossible for the people of Gulfport to all get together in one meeting; they must elect their representatives and let the representatives enact laws for them and represent them in the different departments of the government and must keep them when they want them and take them away when they don't want them. We will have a dual form of government, a national and state government; and we will confer upon this government such power as we want it to have. When they got through with that they said all the powers not conferred expressly or necessarily implied are reserved unto the people.

And another principle was the principle of checks and balances. That is to say, the Executive is a check upon the Supreme Court because he has the appointive power. He is a check upon the Congress because he vetoes—he has the power to veto the laws enacted by the Congress. The Congress checks upon the Executive because no law can become a law unless it passes both houses and is ratified, and the Senate must ratify his appointments and foreign treaties. The Supreme Court is a check upon the Executive because the Supreme Court must determine what his powers are, and it is a check upon the Congress because it is up to them to determine what the Constitution says and what it means.

And, now, coming to the most important part, the Bill of Rights, not a part of the Constitution, but added shortly afterwards and largely prepared by Thomas Jefferson, who was not a member of the Constitutional Convention. One of the fundamental principles of that Bill of Rights of the Constitution is the recognition of the private ownership of property. That has become more and more important at this time when we have socialism, which is largely public ownership of public utilities, and communism, which is state ownership of all property, and Nazism, which is modified ownership under a dictator.

But our forefathers thought that it was human nature and human desire that the ordinary man would prefer to own a small hut, and call it his own, than to rent a mansion under the direction

of someone else. That is true and in accordance with human nature. Following that they said that private property shall not be taken for public use unless it is first paid for. And they furthermore said that private property shall not be taken except by due process of law. That idea now is pretermitted as contrasted with the other "isms" of the world. The beneficial result that it stirs to activity for the acquisition and enjoyment of private property becomes a very important fundamental exponent in the world at this time. Another thing they said: they recognized, for instance, in the courts, that disputes shall be settled by litigations, and they said that a man shall not be deprived of his life, or his liberty, or his property without due process of law.

Now, you have heard of due process of law. Most of us don't appreciate what that is. What is due process of law? Due process of law provides for a fair trial before a judge and a fair, impartial jury, proper rules of pleading and procedure, the right to be personally present, and the right to be represented by an attorney and advocate those rights and defenses, the right to have evidence, competent evidence, presented in the courts upon the trial of the issues that are made up by the people.

Will you pardon me in this connection to illustrate to you what I mean by that—illustrate what I mean by the importance of due process of law to justice and to righteousness and to fair dealing. It is a historic illustration which happened in 1603. I think we might well be assured that Madison and the other students had it in mind. Bear with me and let me give it to you; I think you will enjoy it. It was the trial of Sir Walter Raleigh. He was charged with treason in advocating as successor to Queen Elizabeth, Arabella Stewart instead of James of Scotland, and also as having advocated the Roman "superstition" as it was called. The latter part of it would not have been treason anyway.

The judges were largely appointed by the king to try him, and a part of them were known to be Raleigh's enemies when they were appointed. Lord Coke was appointed to prosecute him especially as representing the king. Popham was the Chief Justice. Here was the evidence they had against Raleigh. They introduced what they called the deposition from a man by the name of Cobham. That deposition was not signed; not only was it not sworn to, but it was not signed. It was taken privately, and when Raleigh demanded—he was not permitted to have counsel, he represented himself—that Cobham be brought and put upon the witness stand they refused to do it on the singular ground that if they brought him in he would not stand by the deposition. And, by the way, the deposition just simply had some vague reference to Raleigh. It had no facts and made no charges.

Coke was as mean as he could be; he was brilliant, but he was mean. He was arbitrary; he was oppressive. It was said by one of his peers later that he would not have made the speech Popham made against Raleigh for all the power and representation he acquired

afterwards. But Coke was bound to recognize that that kind of a thing could not do in a court of law so he put a witness, one witness, upon the stand, and here is what he said. He said he heard somebody say, "The king shall never be crowned for Raleigh and Cobham will cut his throat 'ere that day comes." Somebody said that he said! And that was the testimony. Coke made an inflammatory speech, a preliminary statement to the jury, and I am going to give you some of the dialogue between Raleigh and Coke. Raleigh was an abler man than Coke. The lawyers will appreciate this. Coke made the inflammatory speech, and he wound up before the trial by asking Raleigh if he had malice against the king's children.

RALEIGH: "To whom speak you this? You tell me news I never heard of."

COKE: "Oh, sir, do I? I will prove you the most notorist traitor that ever came to the bar. After you have taken away the King you would alter religion."

RALEIGH: "Your words cannot condemn me. My innocence is my defense."

COKE: "Nay, I will prove all; thou art a monster. Thou hast an English face but a Spanish heart."

RALEIGH: "Let me answer for myself."

COKE: "Thou shalt not."

RALEIGH: "It concerneth my life."

COKE: "Oh, do I touch you?"

Coke went on to charge negotiations with Arabella for which he had no proof whatever.

RALEIGH: "Did I ever speak with this lady? I will wash my hands of the indictment and die a true man."

COKE: "You are the absolutest traitor that ever was."

RALEIGH: "I do not hear that you have spoken one word of evidence against me. If Lord Cobham be a traitor, what is that to me?"

COKE: "All that he did was by thy instigation, thou viper."

A great deal more than that, Raleigh was convicted upon that testimony and sentenced to die. He stayed in prison almost fourteen years and then he was brought forth and resentenced and executed upon that testimony. That illustrates to you the importance of what I mean and understand by due process of law.

Now, I will come to a close. The Bill of Rights recognized personal liberty, liberty of movement as long as the mover invaded no other man's rights, unhampered by permits and visas, or any other permission granted by any other authority. It recognized and required that before

the home might be invaded and searched there must be authority for that purpose in the hands of the searcher. It recognized the sacred right of *habeas corpus* so that a person who is confined has the right to be brought forth and tried. Our forefathers recognized, as you have who have read that wonderful work of *Les Miserables* and others, that one of the triumphs of the age had been that people had been thrown into dungeons and prisons for supposed crimes and offenses largely imaginary and growing out of prejudice and political opposition and bias, and there had remained during the majority of their lives, only to come forth when that reign was overthrown and another monarch went in, after their lives were spent and their shoulders were stooped and life had passed them by.

They recognized and guaranteed freedom of speech, feeling that out of the crucible of discussion a multitude of truth might come forth and that people by the contrast of these discussions and by giving tc each other the benefits thereof would grow in knowledge and in wisdom. And that includes the right to petition those in authority and includes the right to peaceable assemblies as you have here tonight. My friends, I never did appreciate until recently what that meant. Do you recognize how impotent people are when they can't assemble together? How they must pass the word secretly by motion and by sign? How impossible it is for people to act sanely when they can't get together and assemble? All you have to do now is to use your imagination and think of the people of France and those countries that have been overrun and who are forbidden by the Gestapo and police to assemble, and if they do that constitutes a crime.

There was freedom of the press. No dictator could survive without the control of the press and without a standing army. I never realized until recently how important it is to have that freedom of the press for discussion and giving information to the public and for proper criticism of public officials.

Lastly, they said there shall be freedom of worship. They recognized that every normal human being must worship something, depending upon the stage of civilization. It may be the sea; it may be the moon; or the stars or the sun; it may be a dog, or a golden calf; but every man worships something. And they said that a man could worship according to the dictates of his own conscience. There you are. They prepared a document which is in compliance with and in accordance with human desires and human nature, and that document not only serves man here but permits him to prepare himself for the hereafter.

One of the things which may come out of this war may be a recognition by the people of other lands that all of this is wrong and all of it is futile, and the peoples from those lands may follow the yearnings of their heart and with their hands outstretched to this country may say, "We want liberty and we want freedom. We don't know how to get it so we want you to help us, show us how." That may be one purpose of all of this convulsion through which we are

going. It is terribly hard to realize and understand why mankind must go through this Gethsemane. It is awfully hard to understand, and we can't understand, why it is that all of this chaos, all of this suffering must take place. There may be one thing that will come out of it—a world-wide, universal cry for liberty and for freedom. That is conceivable, perceivable, and possible.

Regardless of the other nations and what may happen to the other people, we in this country should now resolve that this is our Constitution and our Country for which our forefathers fought. They suffered and died that we might have the blessings and the inheritance. It is our Constitution and our Country under which we have prospered and have been blessed for nearly one hundred and seventy years as no other people on earth ever prospered and were blessed. This is our Constitution and our Country to save and protect and pass on to those who are to come after us. There are not many of us here, but let us resolve to join hands with each other and with our forefathers and say: "We pledge to each other our lives, our fortunes, and our sacred honor. This is our Constitution and our Country. By all the gods of war today, and by the Prince of Peace later, they shall remain our Constitution and our Country."

---

After making certain announcements, Chairman Stevens called for nominations for Chairman of the Junior Bar Section. Mr. Eugene Thompson nominated Mr. Frank E. Everett. The nomination was seconded by Mr. Robert E. Hauberg.

Mr. James Finch nominated Mr. Arlington Jones and the nomination was seconded by Mr. Swartzfager.

A vote by ballot showed twenty-one for Mr. Everett and eight for Mr. Jones and the Chairman declared Mr. Everett elected. Mr. Jones' motion that the nomination be made unanimous was passed.

Nominations for vice-chairmen were called. Mr. Junior O'Mara nominated Mr. John W. Wade, seconded by Mr. G. B. Cousins, Jr. Mr. Swartzfager nominated Mr. Claude Pittman, Jr., seconded by Mr. Arlington Jones. A motion that the voting be taken by standing instead of secret ballot passed and votes were called for. Mr. Wade was declared elected.

The convention then separated into districts to elect members of the Executive Committee and the following were elected: Southern District: Maxwell Bramlette, Woodville; Claude Pittman, Jr., Hattiesburg, and John Sekul, Biloxi. Middle District: Robert Hauberg, Jackson; Tally Riddell, Jackson, and Zelda Siegel, Indianola. Northern District: J. P. Coleman, Ackerman; Jack Carlisle, Ackerman, and George P. Cossar, Charleston.

Adjournment.

# MISSISSIPPI LAW JOURNAL

JOURNAL of the MISSISSIPPI STATE BAR

VOL. XIV SEPTEMBER, 1942 NO. 5



MEMBERS OF THE LAW JOURNAL BOARD

BAR COMMITTEE

T. C. KIMBROUGH, CHAIRMAN
UNIVERSITY

J. E. ALDRIDGE
WINONA

J. D. THAMES
VICKSBURG

FACULTY ADVISORS

JOHN W. WADE

CHARLES W. TAINTOR, II

EDITORIAL BOARD

EDYTHE EVELYN GANDY

RICHARD EVERETTE STRATTON, III
EDITORS

ROBERT T. RISER
BUSINESS MANAGER

MARTHA WILSON GERALD

WILLIAM H. WARD
ASSISTANT EDITORS


## MISSISSIPPI STATE BAR DIRECTORY 1942-43

### OFFICERS

CHARLES F. ENGLE OF NATCHEZ—PRESIDENT
ROSS R. BARNETT OF JACKSON—FIRST VICE-PRESIDENT
ENGENE THOMPSON OF MARKS—SECOND VICE-PRESIDENT

### COMMISSIONERS

First District—Ben H. McFarland
Second District—R. W. Thompson, Jr.
Third District—Hindman Doxey
Fourth District—R. D. Everett
Fifth District—Jack B. Carlisle, Jr.
Sixth District—Maxwell Bramlette
Seventh District—Hubert S. Lipscomb
Eighth District—J. O. Hollis
Ninth District—Landman Teller
Tenth District—Jack Lobrano
Eleventh District—H. D. Todd
Twelfth District—Quitman Ross
Thirteenth District—J. A. McFarland, Sr.
Fourteenth District—Breed O. Mounger
Fifteenth District—Paul H. Farr
Sixteenth District—J. E. Caradine
Seventeenth District—J. H. Caldwell

## ACTIVE MEMBERS

Abernethy, H. B., Jr., Milan, Tenn.
Abernethy, H. B., Houston
Abernethy, Thos. G., Okolona
*Abraham, Jake Louis, Port Gibson
Adam, Bidwell, Pass Christian
Adam, E. Jr., Gulfport
Adams, B. C., New Albany
*Adams, Ben C., Jr., Grenada
Adams, George E., Jr., Washington, D. C.
*Adams, Lawrence, Natchez
Adams, James Hermon, Raymond
Adams, J. J., Jr., Clarksdale
Adams, M. T., Tupelo
Adams, W. C., Corinth
Alderman, J. E., Leakesville
Aldridge, John Edw., Winona
Alexander, H. Chalmers, Jackson
Alexander, James A., Jackson
*Alexander, James A., Jr., Jackson
Alexander, Julian P., Jackson
Alexander, W. B., Jr., Cleveland
*Alford, Herman W., Philadelphia
*Alford, James Louis, McComb
Alford, J. M., Tylertown
*Alford, Percy Knapp, Magnolia
Allen, B. B., Indianola
Allen, John F., Kosciusko
Allen, Joe Frank, Kosciusko
Allen, John Percy, Kosciusko
*Allen, L. P., Jr., Fed. Trade Com. Washington, D. C.
Allen, Percy W., Indianola
*Alliston, Wiley T., Florence
Ames, Chas. F., Box 522, G.P.O., New York City, N. Y.
Amis, A. B., Jr., Newton
Amis, A. B., Sr., Meridian
Anderson, Cephus, Hattiesburg
Anderson, D. M., Newton
*Anderson, D. M., Jr., Newton
Anderson, Fred A., Gloster
Anderson, John R., Tupelo
Anderson, R. B., Port Gibson
Anderson, S. V., Greenville
Anderson, W. D., Jackson
Anderson, W. H., Ripley
Andrews, Landon C., Oxford
Antoon, Edw. J., Greenwood
Armstrong, John T., Hazlehurst
Arrington, Joe Drake, Gulfport
Arrington, John H., Monticello
Arrington, R. O., Hazlehurst
*Atkinson, George, Pickens
Aultman, Bruce C., Hattiesburg
*Austin, B. G., Jackson
Austin, H. L., Jackson
Avery, Ralph B., Jackson
Bacho, Fred, Biloxi
Backstrom, J. W., Leakesville
Backstrom, Oscar, Gulfport
Bacon, Wm. Arthur, Jackson
Baddly, Hugh M., Water Valley
Baker, B. H., Hattiesburg
Bailey, T. L., Meridian
Baird, James C., Jr., Baird
Banks, Geo. H., Newton
Bankston, W. L., Tunica
Barbee, J. W., Hernando
Barbour, Jeptha F., Jr., Yazoo City
Barbour, J. S., Jackson
Barbour, J. F., Yazoo City
*Barbour, Wm. H., Yazoo City
*Barksdale, Henry, Jackson
Barlow, E. C., Brookhaven
Barnett, Arden, Jackson
Barnett, O. H., Jr., Carthage
Barnett, Ross R., Jackson
Barnett, Tom J., Carthage
Barrett, Pat M., Lexington
Bass, Catherine, Hazlehurst
*Bass, R. Leon, Belzoni
Bates, Henry Brady, 521 New Fed. Bldg., New Orleans
Bates, Jean M., Starkville
Batson, W. C., Wiggins
*Bauer, T. L., Natchez
Bayless, H. L., Jr., Bay Springs
Bean, George, Okolona
Beard, W. A., Jr., Laurel
*Bearden, Wm. Ellis, Jr., Okolona
Becker, John Thomas, Jr., Jackson
Beckett, R. Capel, 135 E. 11th Place, Chicago, Ill.
Belk, Fred M., Holly Springs
Belk, Wm. D., Holly Springs
Bell, A. H., Greenwood
Bell, B. F., Starkville
Bell, James W., Jr., Tunica
Bell, Percy, Greenville
*Bennett, John D., Jackson
Bennett, R. E., Meadville
Berger, C. Frederic, Port Gibson
*Berman, Joseph E., Lexington
Bernreuter, Raymond G., Kosciusko
Berry, S. B., Hattiesburg
Bickerstaff, R. O., Gulfport
*Biedenharn, James P., Vicksburg
Bilbo, Theo. G., Jackson
Black, E. C., Marks
Black, Maurice R., Carrollton
*Blackwell, Wm. Duncan, Gulfport
Blair, W. A., HOLC, Memphis
*Blalock, James A., Jackson
Bliss, Ernest L., Vicksburg
Bloedorn, Helen May, Cleveland
Bloomfield, Horace, Gulfport
Blount, James A., Charleston

*Now serving in the Armed Forces of the United States.

Bogen, Edw. J., Greenville
Bolton, C. R., Tupelo
Bonelli, Albert M., Vicksburg
*Booth, Richard B., Aberdeen
Boren, H. A., Tupelo
Bostic, Carl C., Jackson
Bourdeaux, R. M., Meridian
Bouslog, M. P., Yazoo City
Bowdre, P. H., Hernando
Boydstun, R. W., Louisville
Boykin, Mack L., Vaiden
Boyles, J. B., Batesville
Bozeman, Albert S., Jr., Meridian
Bozeman, A. S., Meridian
*Brackstone, Fernand D., Corinth
*Braden, William, Jr., Natchez
Bradford, J. W., Itta Bena
*Bradshaw, F. W., Jackson
Brady, T., Jr., Brookhaven
Brady, Thos. P., Jackson
*Brady, Tullius, Brookhaven
Brame, Ollie D., Jackson
Bramlette, Maxwell, Woodville
Brandon, G. H., Natchez
Brandon, Gerard, Natchez
Brandon, J. M., Natchez
Brannon, Mary Sue, Jackson
Brantley, Z. A., Louisville
*Branton, Wm. Coleman, Greenville
Bratton, C. A., Oxford
Bratton, Thos. S., Jackson
Breland, J. J., Sumner
Brett, M. D., Jackson
*Brewer, E. Cage, Clarksdale
Brewer, Dan C., Clarksdale
Brewer, Ed. C., Clarksdale
*Brewer, Norman C., Greenwood
Bridgforth, Allen, Yazoo City
*Bridgeforth, Walter R., Yazoo City
Bridges, L. C., Purvis
*Britt, Geo. Thomas, Jackson
Britton, E. H., Macon
Broach, Walter, Jr., Meridian
Broadus, A. Q., Purvis
Broadway, L. J., Meridian
Brocato, V. J., Clarksdale
*Brock, Edmond R., U. S. Naval Reserve Hdg. 8th Naval Dist., New Orleans
Brooks, Homer, Birmingham, Ala.
Brooks, Rodney, Clarksdale
Broom, Harmon W., Jackson
Broom, S. C., Jackson
*Broom, Stewart C., Jr., Jackson
Broome, Willie M., Tylertown
Brown, A. L., Rolling Fork
*Brown, Berry Davis, Greenwood
*Brown, Edwin Hull, Starkville
Brown, J. H., Fulton
Brown, James T., Jackson
Brown, Jos. E., Natchez
Brown, L. W., Starkville
Brown, M. D., DeKalb
*Brownstein, Fred X., Rolling Fork
Bruce, Arthar, Greenwood
Brunini, Alexander J., Vicksburg
Brunini, Edmund L., Vicksburg
Brunini, John B., Vicksburg
Bryan, Harry M., Jackson
Bryant, Rae, Gulfport
Buchanan, Ivy Lee, Washington, D. C.
Buchanan, Harry, Wiggins
Buchanan, James R., Laurel
Bullard, Wm. D., Pascagoula
Bullock, H. H., Brandon
Bullock, Mansard, Vicksburg
Brutin, R. R., Gulfport
Burdette, W. F., Richton
Burgin, D. A., Columbus
Burkett, John G., Jackson
Burnaman, C. Frederic, Jackson
Burns, James A. (col.), Meridian
Burns, Robert, Jr., Jackson
Busby, Arthur G., Jr., Meridian
Busby, A. G., Waynesboro
Bush, M. M., Hattiesburg
*Butler, George H., Jr., Jackson
Butler, George H., Jackson
Butler, James W., Jackson
Butler, John Sharp, Quitman
Butler, M. M., Pascagoula
*Butts, Dr. A. B., University
Byars, Wilton Vance, Bruce
*Byrd, A. M., Meridian
Byrd, J. L., Jackson
Byrd, J. M., Leakesville
Byrd, T. H., Lucedale
*Cain, S. Robert, Canton
*Cain, Wm. Sterling, Canton
*Caldwell, Benj. M., Marks
Caldwell, J. H., Charleston
Caldwell, J. H., Jr., Charleston
*Caldwell, Thomas Eugene, Marks
Calhoun, Edwin L., Mount Olive
*Calhoun, Robert L., Mount Olive
*Calhoun, S. K., Tylertown
Callender, Bernard, Columbia
*Callon, B. C., Natchez
Cameron, Ben F., Meridian
Cameron, Chas. B., Meridian
Campbell, A. C., Tutwiler
*Campbell, Geo. H., Yazoo City
Campbell, J. Edwin, Laurel
Campbell, T. H. Yazoo City
Campbell, T. H., Jr., Yazoo City
Campbell, Thos., J., Washington, D. C.
Campbell, Virginia Ruth, Yazoo City
Canizaro, Jack P., Vicksburg
*Cannada, Robt Cox, Jackson

*Now serving in the Armed Forces of the United States.

Caradine, J. E., West Point
Carballo, J. L., Kosciusko
Carlisle, Jack B., Jr., Ackerman
Carlton, L. K., New Albany
Carlton, C. Sidney, Jackson
Carmichael, Benj. B., Greenville
*Carmichael, Gerald B., Utica
Carney, K. A., Clarksdale
Carothers, A. M., Grenada
Carr, J. M., Newton
Carruth, John E., Columbus
Carter, B. F., Laurel
Carter, H. T., Louisville
Case, A. B., Waynesboro
Case, H. F., Quitman
Casey, Offa L., Dept. of Justice, Washington, D. C.
Cassedy, J. W., Brookhaven
Cassell, Chas. J., Batesville
Cassidy, J. J., McComb
*Cassedy, Wm. P., Brookhaven
Catchings, O. W., Woodville
Catoe, Earl V., Jr., Webb
Causey, H. F., Cleveland
*Cauthen, Nelson H., Canton
Chadwick, Carl A., Tuscaloosa, Ala
Chalk (Mrs.), Sarah Adeline, Brookhaven
Chambers, Paul, Jackson
Chandler, Joe B., Jackson
Chaney, George, Vicksburg
Chapman, M. R., Jackson
Charles, Sarah A., Washington, D. C.
Chatham, Gerald W., Hernando
Cheney, Reynolds S., Jackson
Chill, Bernard, W. N., Jackson
Chris, Raynold, Shaw
Churchwell, W. C., Leakesville
Clark, A. B., Indianola
Clark, Chas. E., Ocean Springs
Clark, E. S., Hollandale
Clark, Frank, Waynesboro
Clark, J. O., Iuka
Clark, Lester, Hattiesburg
Clark, T. A., Iuka
*Clayton, Claude F., Tupelo
*Clayton, Hugh N., New Albany
Clayton, S. P., Tupelo
Clements, E. C., Rolling Fork
Clements, W. H., Rolling Fork
Cleveland, Arthur T., Fulton
*Cochran, Hunter K., Holly Springs
Cody, F. G., Biloxi
*Cofer, Kermit R., Water Valley
Cohen, Marvin A., Jackson
Cohn, A. A., Brookhaven
*Coker, Joseph Forrest, Summit
Coleman, Edward F., Purvis
Coleman, A. Jerry, Vaiden
Coleman, J. M., Aberdeen
Coleman, James P., Ackerman
Coleman, Walter D., Natchez
Collins, Elson K., Laurel
Collins, F. B., Laurel
Collins, Jeff, Laurel
*Collins, Robt W., Jackson
Collins, Ross A., Meridian
Colmer, Wm. M., Pascagoula
Colson, J. G., Greenwood
*Condon, Wm. Patrick, Greenville
Conger, J. W., Winona
Conn, W. D., Sr., Corinth
Conn, W. D., Jr., Jackson
Conner, Claude E., Columbia
Conner, Dudley W., Hattiesburg
Conner, Mrs. Evelyn Hunt, Bay St. Louis
Conner, M. S., Jackson
Conway, Wm. F., Hattiesburg
Coody, A. S., Jr., Jackson
Cook, Everett E., Gulfport
Cook, Sam C., Greenville
Cook, Virgil G., Drew
Cooley, D. B., Laurel
Cooper, A. W., Forest
Cooper, Conrad E., 802 Dep. Gty. Bldg., Jackson
Cooper, E. B., Laurel
Cooper, Forrest G., Indianola
Cooper, J. E., Purvis
Cooper, R. D., Meridian
Cooper, S. B., Philadelphia
Corban, L. C., Biloxi
Corban, R. L., Jr., Fayette
Corey, Lyle V., Meridian
Corley, W. U., Collins
Cossar, George P., Charleston
*Cottrell, David, Jr., Gulfport
Coursey, B. F., Decatur
Cousins, George B., Jr., Biloxi
Covington, A. W., Quitman
Covington, J. A., Jr., Meridian
Cowan, R. C., Gulfport
Cowart, C. F., Meadville
Cox, Allen, Baldwyn
Cox, John Bruce, Shreveport, La.
Cox, Stanley M., St. Louis, Mo.
Cox, W. A., Marks
Cox, W. H., Baldwyn
Cox, Wm. H., Jackson
Craggs, C. J., Cleveland
Craig, John, Jackson
*Crawford, Marvin, New Albany
Crawley, David E., Kosciusko
Crawley, David E., Jr., Kosciusko
Crawley, James T., Jr., Kosciusko
Creekmore, H. H., Jackson
Creekmore, Rufus, Jackson
Creekmore, Wade H., Jackson
Crisler, Bert, Jackson

*Now serving in the Armed Forces of the United States.

Crisler, Chas. W., Jackson
Crisler, John W., Clarksdale
Critz, Frank A., West Point
Crocker, Rowell T., Newton
Crosby, Kenneth M., West Point
Crum, C. L., New Albany
Culkin, J. H., Vicksburg
Cunningham, E. Hugh, Jackson
*Cunningham, F. W., Booneville
Cunningham, J. E., Booneville
Cunningham, James A., Booneville
Cunningham, J. A., Jr., Booneville
Currie, Alexander, Hattiesburg
Currie, Dan T., Hattiesburg (Deceased)
Currie, E. J., Jr., Hattiesburg
Currie, Geo. W., Hattiesburg
Currie, Homer, Raleigh
Currie, Neil T., Hattiesburg
*Curtis, Chester Harris, Clarksdale
Cutrer, R. W., Magnolia
Dabney, F. Y., Vicksburg
Dabney, J. B., Vicksburg
Dabney, L. B., Vicksburg
Dabney, Moncure, Vicksburg
Dale, R. H., Columbia
Dale, Sebe, Columbia
Dale, T. Price, Hattiesburg
Daniel, G. Odie, Starkville
*Daniel, Joe H., Lambert
*Darden, Tom Leslie, New Albany
Dardo, Paul R., Jackson
Davidson, Harold W., Carthage
Davis, D. P., DeKalb
Davis, Edwin D., Fayette
Davis, E. W., Port Gibson
*Davis, Howard Q., Indianola
Davis, James E., Hattiesburg
Davis, James L., Jackson
Davis, Jefferson, Indianola
Davis, John E., McComb
Davis, S. F., Indianola
Davis, T. B. Columbia
Davis, Thos. Baker, Van Vleet
Davis, T. W., Jr., Purvis
Davis, Walter Dell, Winona
Davis, W. S., Waynesboro
Daws, J. H., DeKalb
Day, Icey W., Kosciusko
Day, J. O., Clarksdale
*Day, Lewis H., Laurel
Day, R. H., Decatur
Dean, Hermon, Canton
Dean, J. F., Senatobia
*Deavours, Burns M., Laurel
Deavours, Jack, Laurel
Dedeaux, O. J., Gulfport
*Dees, Anse, Philadelphia
Denman, R. D., Greenwood
Dent, E. L., Collins
Dent, J. R., Gulfport
Dent, R. L., Vicksburg
Denton, C. L., Meridian
Denton, P. L., Marks
Denton, Paul W., Marks
Diamond, Harry, Greenwood
*Dickson, Archie L., Jr., Jackson
Dinsmore, R. R., Jackson
*Dixon, T. Vincent, Senatobia
Doggette, Grover, Laurel
Dore, Donald Edward, Jackson
Dossett, W. D., Beulah
Doty, Lemuel H., Biloxi
Douglas, P. Lanier, Starkville
*Dovith, Melvin, Belzoni
Doxey, Hindman, Holly Springs
Doxey, Wall, Holly Springs
Drake, Carl F., Durant
Drake, Joseph Turpin, Jr., Port Gibson
Drake, J. T., Port Gibson
Dudley, Colbert, Forest
Dulaney, J. W., Tunica
Duncan, B. A., Meridian
Dunn, Edwin A., Meridian
*Dunn, J. Thos., 171 S. Avalon, Memphis, Tenn
Dunn, Vardaman S., Jackson
Dunning, F. S., Canton
Dyer, Howard, Jr., Greenville
Dyke, Herbert H., Laurel
Eager, P. H., Jr., Jackson
East, J. R., Brandon
Easterling, Albert E., Laurel
Easterling, Lamar F., Jackson
Easterling, W. R., Fayette
Eastland, J. O., Ruleville
Eastland, Oliver, Greenville
Eaton, B. E., Gulfport
*Eaton, B. E., Jr., Gulfport
Eaton, James S., Gulfport
Eddins, Jos. A., Charleston, W. Va.
Edmonds, Henry, Jackson
Edwards, A. K., Mendenhall
Edwards, Allen T., Jackson
Edwards, A. M., Mendenhall
Edwards, J. P., Mendenhall
Eicke, Woodward G., Washington, D. C.
Ellis, W. A., Carthage
Elmer, F. W., Jr., Biloxi
Elliott, Benton W., Ripley
Engle, C. F., Natchez
Enochs, DeWitt C., Jackson
Estes, Wm. M., Enterprise
Estopinal, Wm., Gulfport
Ethridge, F. K., Meridian
Ethridge, F. K., Jr., Meridian
Ethridge, Geo. H., Jackson
*Ethridge, Geo. M., Jr., Meridian
Ethridge, W. N., Houston

*Now serving in the Armed Forces of the United States.

Ethridge, Wm. N., Jr., Oxford
Eudy, J. E., Eupora
Evans, C. C., Laurel
Evans, H. H., Gulfport
Evans, W. J., Calhoun City
Everett, Frank E.,, Indianola
Everett, Frank E., Jr., Vicksburg
Everitt, Robt D., Ruleville
Ewing, Jack H., Liberty
Ewing, T. G., Vicksburg (col.)
Fair, Charles D., Louisville
Falkner, J. W. T., Oxford
Fant, Herbert M., Sardis
Fant, Lester G., Holly Springs
*Farese, John A., Ashland
Farish, H. P., Greenville
Farr, Paul H., Prentiss
*Farrell, Herbert D., Taylorsville
Featherstone, F. M., Indianola
*Fedric, Wm. Henry, Grenada
*Feduccia, Joseph C., Cleveland
Felder, Luther W., McComb
Felts, Holland O., Greenville
Finch, Henry L., Laurel
Finch, James, Hattiesburg
Finch, J. D., Iuka
Finch, J. S., Boonville
Finley, J. A., Tupelo
Fishel, E. C., Hattiesburg
Flowers, Henry G., Jackson
Flowers, J. N., Jackson
Floyd, Earle N., Jackson
*Floyd, Jason H., Senatobia
Floyd, J. C., Meridian
*Fly, Henry A., Yazoo City
Fontaine, J. B., Pontotoc
Fontaine, W. B., Jackson
Foote, Lawrence Y., Hattiesburg
Ford, A. L., Ackerman
Ford, Evon A., Taylorsville
Ford, E. J., Pascagoula
Ford, E. J., Jr., Gulfport
Ford, J. I., Pascagoula
*Ford, Wm. Reynolds, Taylorsville
Forman, J. M., Indianola
Forman, Richard Brent, Jr., Natchez
Fountain, D. G., Jackson
Franklin, J. B., Jackson
Franklin, J. E., Jackson
Franklin, Lester C., Jr., Jackson
Franks, Donald, Booneville
Frey, M. M., Jackson
Friend, Joe N., Jackson
Frierson, John F., Columbus
Fuller, Henry H., Laurel
Fulton, Aubrey D., Jackson
*Gailard, G. Rayner, Washington, D. C.
Galloway, Chas. R., Gulfport
Galloway, J. F., Gulfport
*Gandy, George, Collins
Gardner, A. F., Jr., Greenwood
Gardner, Hanun, Gulfport
*Gardner, Hanun B., Jr., Gulfport
Gardner, Tom M., Gulfport
Garner, A. H., Joplin,Missouri
Garner, Martin, Tunica
Garnett, C. L., Columbus
Garraway, J. T., Purvis
Garth, J. Hunter, Hazlehurst
*Gartin, Carroll, Laurel
Gary, W. D., Eupora
*Gaston, Chester Davis, Columbus
Gautier, H. W., Pascagoula
Gee, John B., Rolling Fork
Gee, W. F., Clarksdale
Geisenberger, W. A., Natchez
Genin, R. L., Bay St. Louis
Gerald, Eugene, Leland
Gex, Lucien M., Bay St. Louis
Gex, W. J., Bay St. Louis
Gholson, Daniel P., Holly Springs
Gholson, Mary C., Port Gibson
Gibson, C. E., Monticello
Gilbert, V. W., Meridian
Gillespie, H. B., Raymond
Gillespie, R. G., Meridian
Gilliam, Alex, Jr., San Francisco
Gipson, J. Ray, Meridian
Gipson, J. V., Meridian
Glass, D. H., Kosciusko
*Glazier, Herman Cowan Jr., Clarksdale
Gober, Curtis A., Jackson
Good, V. W., Vicksburg
*Goodman, F. C., Biloxi
Gordon, Chas. M., Jackson
Gordon, C. T., Liberty
Gordon, Joe. D., Liberty
Gordon, L. E., Meridian
Gordon, Wm. H., Washington
Gore, T. N., Marks
Gore, Ney M., Jr., Marks
Gore, W. E., Jackson
Goss, B. J., Columbia
Goss, Roy, J. Columbia
Graham, D. M., Gulfport
Graham, D. M., Jr., Gulfport
Graham, Hardy M., Meridian
Graham, J. H., Meridian
Graham, S. M., Meridian
Grant, Leslie B., Biloxi
Graves, Charles L., Jackson
Greaves, H. B., Canton
Greaves, J. M., Pocahontas
Greaves, P. D., Gulfport
*Green, A. Wigfall, University
Green, B. A., Mound Bayou (col.)
Green, E. H., Cleveland
*Green, Garner W., Jr., Jackson
Green, Garner W., Jackson

*Now serving in the Armed Forces of the United States.

*Green, Marcellus C., Jackson
Green, Marcellus, Jackson
Greene, John D., Jr., Starkville
Gregory, Jas. T., Forest
Griffing, Homer B., Meadville
Grice, L. E., Crystal Springs
Griffith, V. A., Gulfport
*Guice, Claude W., Fayette
*Guice, Jacob D., Biloxi
Guice, W. L., Biloxi
*Guider, Ben, Vicksburg
Guy, T. A., Greenwood
Guynes, J. F., Hazlehurst
Guyton, J. D., Kosciusko
Guyton, T. P., Kosciusko
*Gwin, Lucien C., Natchez
Gwinnup, Harry G., Jackson (Tower Bldg.)
Haddock, Jas. H., Philadelphia
Hafter, Jerome, S., Greenville
Hairston, Chas. C., Jr., New Augusta
Hakes, Doric D., Rolling Fork
Hall, Edward C., Arlington, Va.
Hall, H. G., Jackson
Hall, Francis L., 4316 N. Pershing Drive, Arlington, Va.
Hall, Lee D., Columbia
*Hall, Stanton A., Hattiesburg
Hall, Toxey, Columbia
Haman, Thos. L., Houston
Hamilton, George S., Jackson
*Hamlin, James E., West Point
*Hamlin, Wilber G., West Point
Hammon, Kelly J., Columbia
Hamner, W. M., Greenwood
Handy, Geo. Stuart, Natchez
Hannah, T. C., Hattiesburg
Hannon, John, Raymond
Haralson, William, Hattiesburg
Hardy, W. F., Jackson
Harmon, Francis S., 28 West 44th St., New York, N. Y.
*Harmon, Hunter, Meridian
Harper, A. Y., Jackson
Harper, Chas. Edw., McComb
Harper, Matthew, Jr., Jackson
*Harper, Jack Evans, Jr., Indianola
Harris, W. R., Charleston
Harryman, Clifford J., Jackson
Hartford, Robt. W., Jackson
Hartley, T. A., St. Louis
Harty, Emmett, Greenville
Harwell, J. D., Pachuta
Harwell, J. Emerson, Meridian
Harwell, J. M., Meridian
Hathorn, C. V., Columbia
Hathorn, F. C., Poplarville
Hathorn, Herbert C., Hattiesburg
Hathorn, Hoy, Louisville
Hatten, W. J., Sumrall
Hauberg, Robert E., Jackson
Hawkins, Frank L., Vaiden
Hawkins, Geo. Ben, Flora
Haydon, Chas R., Gulfport
Haynes, M. Paul, Baldwyn
Hearst, A. A., Hattiesburg
Hedgepeth, T. H., Fed. Land Bank New Orleans, La
Hegwood, A. W., Jackson
Heidelberg, Cecil F., Jr., Jackson
Heidelberg, H. P., Pascagoula
Heidelberg, M. L., Waynesboro
Heidelberg, R. W., Hattiesburg
Heiss, J. L., Gulfport
Heiss, J. L., Jr., Gulfport
Hendrick, Leon F., Jackson
Hendrix, Thos. D., Jackson
*Hengen, Louis, Biloxi
Henington, Lamar, Hattiesburg
Henley, W. S., Hazlehurst
Henry, W. A., Yazoo City
Herring, Geo. B., Canton
Herring, H. Lee, Ruleville
Hewes, Gaston, Gulfport
Hewes, Wm. G, Gulfport
Hewitt, F. D., McComb
Hewitt, W. W., Jackson
*Hewitt, Wm. H., Jackson
Hicks, Graham H., Jackson
Higgins, John S., Jackson
Hilbun, Henry, Laurel
Hill, C. E., Hattiesburg
Hill, John Robert, Washington, D. C.
Hill, Tillis, Lucedale
Hillman, J. B., Philadelphia
Hilton, R. T., Jackson
Himelstein, Ben, Moorehad
*Hobbs, H. W., Box 1013, Jackson
Hoffman, C. L., Gulfport
Holcomb, Pascal D., Clarksdale
Hollis, J. O., Carthage
Holloman, John H., Columbus
Holloman, Frank C., Columbus
Holmes, D. B., Jr., Meridian
Holmes, H. T., Winona
Holmes, D. W., Hattiesburg
Holmes, E. R., Jr., Jackson
Holmes, F. C., Jr., Hernando
Holmes, F. C., Hernando
Holmes, G. M., Aberdeen
Holmes, Herbert, Senatobia
Holmes, J. G., Yazoo City
Holmes, John S., Yazoo City
Holmes, R. M., Meridian
Hood, Josephine, Canton
*Hopkins, Hugh Sam, Jackson
Hopkins, Jos. W., Clarksdale
Hopkins, Thos. G., Louisville
Hopper, H. A., Corinth
Horan, John, Water Valley

*Now serving in the Armed Forces of the United States .

Horan, Leo, Jackson
Hornsby, Oliver, Natchez
Horton, Cowles, Grenada
Horton, Frank Collins, Grenada
Horton, W. T., Jackson
Hosey, G. W., Laurel
Houchens, John H., Jackson
Houston, D. W., Sr., Aberdeen
*Houston, D. W., Jr., Aberdeen
Howard, Perry W., 613 F. St.,N. W., Washington, D. C., (col.)
Howie, J. H., Jackson
Howie, Joseph, Jackson
Huber, H. T., Canton
Huff, J. Knox, Forest
Huff, Thos. M., Carthage
*Huff, Wm. A., Forest
Hughes, Daniel Clyde, Corinth
Hughes, Frank K., Corinth
*Hughes, Phillip D., Meridian
Hulen, Mrs. Elizabeth, Jackson
Hunt, F. M., Hattiesburg
Hunt, Mrs. Nell W., McComb
Hunter, J. Q., Jr., Union
Hutchison, C. B., Tupelo
*Hutchison, Edw. G., Summit
Hutchison, J. T., Summit
Hutto, W. M., Waynesboro
*Hutton, J. B., Jr., Jackson
Hymers, George, Evansville, Ind.
*Hythen, Robert Milton, Cleveland
Inman, C. E., Jackson
Inzer, Wm. H., Pontotoc
Ison, Fred L., Meridian
Ivy, Gates, West Point
Jaap, C. O., Jr., Jackson
Jacobson, Gabe, Meridian
Jack, E. E., Scooba
Jackson, F. B., Jackson
Jackson, Robert E., Cleveland
*Jackson, Robert Edgar Jr., Cleveland
Jackson, Wm. F., McComb
Jaggers, Boudie A., Pontotoc
James, Viola Lee, Brookhaven
James, W. W., Newton
*Jarratt, Hill, Batesville
Jarvis, R. T., Booneville
Jarvis, Wm. E., Dorsey
Jenkins, Edwin R., Pascagoula
Jeffries, Johnston, De Smet, S. Dak.
*Jiggitts, Louis M., Jackson
Johnson, Ben F., Jr., Jackson
Johnson, C. E., Union
Johnson, D. R., Batesville
Johnson,Elbert, Indianola
Johnson, Harper, Senatobia
Johnson, H. H., Lexington
Johnson, Joseph E., Batesville
Johnson, Oscar, Scott
Johnson, O. W., (col) Prentiss
Johnson, Paul B., Jackson
*Johnson, Paul B., Jr., Jackson
Johnston, Albert S., Jr., Gulfport
Johnston, Means, Greenwood
Johnston, H. Grady, Hernando
Johnston, Thos. H., Corinth
*Jolly, W. H., Carthage
Jones, A. H,. Woodville
*Jones, Bernard M., Jackson
Jones, Bert H., McComb
Jones, C. J., Waynesboro
Jones, Edw. I., Bay St. Louis
Jones, H. F., Belzoni
Jones, L. Barrett, Jackson
*Jones, Maurice M., Jackson
Jones, P. Z., Jackson
Jones, R. L., Brookhaven
Jones, W. Arlington, Hattiesburg
Jones, W. Roger, Hazlehurst
Joor, J. S., Jr., Rolling Fork
Jordan, R. A., Greenwood
Jordan, Terral A., Hattiesburg
Joyner, Ernest Love, Jr., Tupelo
Katz, Andrew D., Hattiesburg
Katzenmeyer, O. Leonard, Vicksburg
Kaufman, M. L., Rosedale
Keady, William C., Greenville
Keaton, Grayson B., Picayune
Kellner, Ernest, Greenville
Kellum, Joseph W., Tutwiler
Kelly, A. F., Hattiesburg
Kelly, R. M., Vicksburg
Kemp, Carroll, Hazlehurst
Kendall, Henry M., Jackson
Kendall, James T., Jackson
Kent, Jeff, Forest
Keyer, James, H., Natchez
Keys, R. Taylor, Sardis
Killian, Joseph Howard, Jackson
*Kimble, Raymond V., Jr., Greenville
*Kimbrell, Frank C., Ackerman
Kimbrough, O. L., Greenwood
*Kimbrough, O. L., Jr., Greenwood
Kimbrough, T. C., University
Kimmons, R.F., Water Valley
King, Bee, Mendenhall
King, Benjamin, Hazlehurst
King, S. R., Durant
Kirby, R. H., Clarksdale
Kirschten, Mrs. Eliz. Gwin, 525 Kedzie, Evanston, Ill.
*Knox, B. N., Jr., New Albany
Knox, R. H., Jackson
Knox, W. T., Winona, (Deceased)
Koonce, Pat, Hattiesburg
Kuykendall, John M., Charleston
Kyle, John W., Sardis
Lackey, Samuel Earl., Jr., Forest
Lacy, C. R., Boonville
Ladner, Hiram Griffin, Jr., Ripley

*Now serving in the Armed Forces of the United States .

*Lake, J. A.,Jr., Greenville
Lamar, E. L., Calhoun City
*Lamb, Knox, Greenwood
Lamendorf, Rolland G., Shaw
Landrum, Ralph, Jackson
Lane, E. M., Raleigh
Latham, W. F., Quitman
Laub, S. B., Natchez
Laughlin, Wm. F., Vicksburg
Lawrence, T. J., Vicksburg
Lawrence, W. O., Bruce
Leach, F. E., Carthage
Leach, H. B., Jackson
Leak, H. C.,Woodville
*Lee , Gettys, Booneville
Lee, Percy M., Forest
Leftwich, Frank S., Aberdeen
Lenoir, James J., Washington, D. C.
Leonard, Fred D., Jackson
Leonard, H. T., Kosciusko
*Levine, Harold Lee, Clarksdale
Levingston, Alfred A., Cleveland
Lewis, Clayton, Philadelphia
Lewis, Meyer A., Jackson
Lewis, T. W., Jr., Columbus
Lindholm, P. P., Lexington
Lindsay, Edward, Canton
*Lindsay, English, Gulfport
*Lingle, H. B., Hattiesburg
Lipscomb, Hubert, Jackson
*Lipscomb, L. P. B., Cleveland
Livingston, Edward M., Louisville
*Livingston, Robert, Prentiss
Livingston, W. H., Prentiss
*Lobrano, J. R., Meridian
Locke, Leopold, Poplarville
Lofton, W. M., Mendenhall
Logan, R. F. B., Hernando
Lomax, Wm. A., Grenada
Long, L. H., Jackson
*Long, S. H., Tupelo
Longino, C. S., Clarksdale
*Lord, Richard Guy, Jr., Cleveland
Lott, W. H., Greenwood
Lott, Y. D., Jr., Mobile, Ala.
Lotterhos, Fred J., Jackson
Love, John Clark, Kosciusko
Love, H. M., Jr., Yazoo City
Love, James, S., Jr., Jackson
Love, Robert T., Greenville
Loving, B. H., West Point
Loving, J. W., Columbus
Lowe, J. T., Tunica
Lowrey, Stovall, Clarksdale
Lowery, J. T., Gloster
Lucas, W. B., Macon
Luckett, Semmes, Clarksdale
*Lumpkin, Sam E., Tupelo
Luper, O. C., Prentiss
Lyell, G. Garland, Jackson
*Lyell, G. Garland, Jr., Jackson
Lyon, Gordon L., Indianola
Magee, Shirley, Monticello
Magruder, J. D., Tunica
Majure, R. S. Newton
Malone, N. H., West Point
Manship, Luther, Jackson
Maples, Luther W., Gulfport
*Mars, James M., Philadelphia
Marsalis, O. M., Drew
Marshall, Carl, Gulfport
Martin, G. L., Prentiss
Martin, J. D., Raleigh
Martin, L. L., Macon
*Mashburn, Troy W., Brandon
*Massey, Alton, Kosciusko
Maulding, B. P., Pontotoc
Maxwell, Jesse Jerome, Drew
May, Geo. W., Jackson
Mayfield, Barton, Hattiesburg
Mayfield, J. B., Poplarville
*Maynard, Fletcher F., Clarksdale
Maynard, G. F., Clarksdale
Maynard, G. F. Jr., Clarksdale
Maynard, Wm. H., Clarksdale
Maxted, D. J., Pascagoula
McBee, Richard C. Jr., Greenwood
McCants, Allan, Meridian
*McClellan, Thompson, West Point
McClendon, B. B., Jackson
McClure, James, Jr., Sardis
McCool, D. C., Canton
McCraine, C. H., Houston
McCraw, A. B., Philadelphia
McCully, H. E., Louisville
McCully, J. T., DeKalb
McDill, Jack, Laurel
McDonald, Edw. Leo., Meridian
*McDonald, Ewell Jr., Jackson
McDonald, Howard A., Biloxi
McDonald, J. T., Meridian
McDonald, J. O., Dallas, Tex.
McEachern, Clement L., Arlington, Va.
McElroy, T. H., Oxford
McFarland, Ben H., Aberdeen
McFarland, J. A., Bay Springs
McFarland, Joe A., Jr., Bay Springs
McGee, Roy J., Biloxi
McGee, S. E., Hickory
McGehee, Billy, Jackson
McGehee, Dan R., Meadville
McGehee, Harvey, Jackson
McGehee, W. H., Bude
McGowan, M. M., Jackson
McGowan, Hardy R., Jackson
McIlwain, W. L., Greenville
McIntosh, Hugh, Jr., Collins
McIntosh, L. K., Moss Point
McIntyre, W. E., Brandon

*Now serving in the Armed Forces of the United States .

McKay, Wm. I., Vicksburg
McKee, H. K., Picayune
McKeigney, A. F., Eupora
*McKeigney, Alexander, Eupora
McLain, W. G., McComb
McLaurin, S. L., Brandon
*McLean, Geo. Hite, Indianola
McLean, Margaret Yarbrough, Jackson
McClellan, Miss Pearl, Greenwood
McLeod, D. A., Mount Olive
McLeod, O. L., Pascagoula
McMorrough, G. H., Lexington
McNeil, M. S., Hazlehurst
McRaney, A. W., Magee
Meek, Geo. Daniel, Jackson
Melton, Miss Louise, Jackson
Melvin, Leonard B., Laurel
Merrell, G. H., Collins
Mhoon, W. L., (col) Jackson
Miller, C. C., Jackson
Miller, Hugh Barr, Hazlehurst
Miller, H. L., Quitman
Miller, Leighton S., Clarksdale
Miller, M. V. B., Meridian
Miller, J. Wesley, Rolling Fork
Miller, W. B., Clarksdale
Milloy, G. M., Prentiss
Millsaps, R. W., Hazlehurst
Mims, S. C., Jr., Grenada
*Minniece, Thos. Y., Meridian
Mitchell, A. M., Pontotoc
Mitchell, Chas. S., Tupelo
Mitchell, Ely B., Corinth
Mitchell, George T., Tupelo
Mitchell, Guy W., Tupelo
Mitchell, Guy W., Jr., Tupelo
*Mitchell, Joe B., Corinth
Mitchell, Thomas, Magnolia
Mitchell, W. M., Grenada
*Mitchell, Wm. P., Tupelo
Mize, Joseph S., Forest
Mize, Sidney C., Jackson
Mize, Webb M., Gulfport
Monaghan, Noel, Tupelo
Montgomery, Fred H., Clarksdale
Montgomery, Gerald J., Greenwood
Montgomery, Goode, Jr., Laurel
Montgomery, Holt, Laurel
Montgomery, M. B., Yazoo City
Montgomery, V. B., Belzoni
Montgomery, V. V., Edwards
Montjoy, Paul D., Jr., Greenwood
*Montjoy, W. H., Greenwood
Moody, C. C., Indianola
*Moore, Alfred, Hattiesburg
Moore, Paul M., Calhoun City
Moore, Wilburn, D., Philadelphia
*Moorehead, Yerger, Greenwood
Moreland, G. C., Corinth
Morgan, C. E., Kosciusko
*Morgan, Joe P., Flora
Morris, F. M., Hattiesburg
Morrison, H. L., Okolona
Morse, J. M., Poplarville
Morse, Stanford E., Gulfport
Morse, Wm. E., Jackson
Mortimer, John A., Belzoni
Moseley, Niles, Jackson
Moss, Jos. H., Raleigh
Moss, O. F., Lucedale
Mounger, Breed O., Tylertown
Mounger, Henry, Columbia
Mounger, Wm. H., Jr., Winona
Mounger, W. M., Jackson
Munn, W. I., Jr., Newton
Murphy, Charles M., Belzoni
Murphy, George H., Gulfport
Murphy, Wm. S., Mobile, Ala.
Murray, Harry K., Vicksburg
Murray, J. C., Brandon
Murrell, Geo., F., Gulfport
*Murry, W. V., Hattiesburg
Nason, R. H., Belzoni
Nason, Robert E., Ackerman
*Neal, Geo. S., Jr., Jackson
*Neblet,t Geo. R., Shelby
Neill, J. C., North Carrollton
Neill, W. C., North Carrollton
*Neilson, E. T., Lexington
Nelson, A. M., Jackson
*Nelson, Leonard E., Vicksburg
Nettles, S. R., Meridian
*Nevels, Mrs. Alice, Jackson
Neville, G. B., Meridian
*Neville, Wm. deB., Meridian
*Newcomb, Hugo, Jackson
*Newman, Prentiss, Jackson
Newman, W. R., Jr., Jackson
*Newton, Robert S., Wiggins
Nichols, R. L., Forest
Nicols, W. B., Grenada
Noble, J. F., Brookhaven
Nobles, George R., Jackson
Nobles, Roy P., Laurel
Norquist, R. R., Yazoo City
North, L. G. Belzoni
*Nunnery, Herbert, Jackson
Oates, O. M., Bay Springs
Odom, H. T., Greenwood
Ogden, J. N., Mobile, Ala.
O'Mara, Junior, McComb
O'Neal, J. H., Clarksdale
O'Neill, John J., Vicksburg
Ormond, Oliver B., Forest
Osborn, S. I., Greenwood
*Overstreet, Webb, Holly Springs
Owen, F. C., Columbus (Deceased)
Owens, H. S., Jackson
Pack, Samuel V., Laurel

*Now serving in the Armed Forces of the United States .

Paine, Tom F., Aberdeen
Palmer, Eugene, Jackson
Palmer Merle F., Washington, D. C.
Palmes, G. V., Dept of Justice, Washington, D. C.
Parker, Elliott, Houston
Parker, H. H., Poplarville
Parker, James E., Meridian
Parker, Urithon B., Wiggins
Patterson, Albert T., Calhoun City
Patterson, C. F., Natchez
Patterson, E. B., Box 1013, Jackson
Patterson, H. J., Monticello
*Patterson, James N., Monticello
*Patterson, Joe T., Calhoun City
*Patton, Fred Barringer, Oxford
Patton, Wright, Jackson
Patty, Jack S., Shaw
*Payne, William, Greenville
Pegram, T. E., Ripley
Pegram, T. E., Jr., Ripley
Penny, John L., Pontotoc
Perkins, H. J., Batesville
Perry, Marshall, Grenada
Perry, Robert E., Yazoo City
Peteet, Porter, Atlanta, Ga.
*Petty, R. J., Greenwood
Peyton, F. Lewis, Jackson
Phillips, Casper C., Meridian
*Phillips, Chas. W., La. Natl. Bk. Bldg., Baton Rouge, La .
Phillips, John A., Macon
Phillips, O. W., Magnolia
Phillips, Robert P., Brookhaven
Pickens, Roy Z., Jackson
Pierce, M. F., Greenwood
Pierce, W. W., Jackson
Pigford, Howard R., Russell
Pilgrim, M. A., Washington, D. C.
Pinnix, James A., Amory
Pittman, Claude F., Hattiesburg
Pittman, Claude F., Jr., Hattiesburg
Pittman, Homer, Hattiesburg
*Poitevent, Schuyler, Jr., Ocean Springs
Pollard, Chas. A., Greenwood
Pollard, E. J., Hernando
Pollard, R. V., Greenwood
Pollard, R. V., Jr., Washington, D. C.
Posey, L. L., Jackson
Powell, Robert H., Canton
*Powell, Robert, Jr., Canton
Powell, Sid, Canton
Power, George B., Jackson
*Preston, John Basil, Glasgow, Ky.
Price, J. H., Indianola
Price, J. H., Magnolia
Price, J. H., Jr., Magnolia
Price, James W., Jackson
*Price, Kenneth, Jr., McComb
Price, Kenneth G., McComb
Price, Mrs. Zelma W., Greenville
Pringle, Victor B., Biloxi
Prisock, Neal, Louisville
Provine, B. B., Jr., Greenwood
Prude, J. O., Jr., Amory
*Pullen, Robt. Lafoy, Aberdeen
Purvis, Zulah Mayo, Puckett
Puryear, L. P., Senatobia
Putnam, John M., Jackson
Pyle, L. A., New Albany
*Pyles, Dixon, Jackson
Quinn, L. Percy, Jackson
Quinn, Billy H., Jackson
*Quinn, O. B., III, Jackson
Quinn, David, M., Jr., Indianola
Ramsey, W. W., Vicksburg
Rankin, John E., Tupelo
Raphael, Eugene J., Greenville
Ratcliffe, C. L., Natchez
Ratcliffe, E. H., Natchez
Ratliff, P. D., Raymond
Rawles, H. C., Columbia
Ray, Bob, Jackson
Ray, Tip, Canton
*Rayburn, Kendall G., Pontotoc
Redmond, S. C., (col), Jackson
*Reed, W. C., Jr., Jackson
Reeves, R. B., McComb
Reich, Frank L., Louisville
Reily, Marion W., Meridian
Rhodes, John Sivley, Jackson
Rice, Greek L., Jackson
*Rice, Greek P., Clarksdale
Rice, Jos. S., 1920 S. St., N. W., Washington, D. C.
Richardson, E. S., Philadelphia
Ricketts, Barron C., Jackson
Riddell, J. A., Meridian
Riddell, Tally D., Jackson
Riddell, Wm., Renwick, Toronto, Canada (Senior Justice Supreme Court of Ontario, Osgoode Hall)
*Ridgway, C. R., Jr., Jackson
Ringold, Mae S., Winona
Ringold, Rupert, Winona
Ritchy, G. P., Indianola
Roach, J. Gordon, McComb
Roane, A. G., Grenada
Roberds, W. G., Jackson
Robertson, J. Lake, Clarksdale
Roberts, Bramlett, Oxford
Roberts, J. C., Cleveland (Deceased)
Roberts, M. M., Hattiesburg
Roberts, Owen, Shelby
Roberts, W. C., Rosedale
*Robertshaw, James, Greenville
*Robertson, George B., Jackson
Robertson, Stokes V., Jackson
*Robertson, Stokes V., Jr., Jackson

*Now serving in the Armed Forces of the United States .

*Robinson, R. H., Vicksburg
Roebuck, S. T., Newton
Rodgers, Henry L., Louisville
*Rodgers, Arthur L., Jr., Jackson
*Rogers, Fred, Meridian
*Rogers, Shelby R., Jackson
Rollings, Robert H., Hattiesburg
Ross, H. E., Jr.,
620 Rhodes-Haverty Bldg., Atlanta
Ross, Jim Buck, Jackson
Ross, J. C., Gulfport
Ross, Quitman, Laurel
Ross, Tom T., Clarksdale
*Rotwein, Abe A., Memphis
Rowe, V. D., Winona
Ruff, D. T. Lexington
Russell, D. M., Gulfport
*Russell, D. M., Jr., Bay St. Louis
*Russell, Geo. Ramsey, Greenville
Russell, Lee M., Jackson
Russell, R. C., Jackson
Rylee, Miss Willie Yeates
1026 15th St., N. W.,
Washington, D. C.
Sack, Lester M., Clarksdale
Sams, J. O., Meridian
Sams, L. F., Meridian
Sanford, W. H., Philadelphia
*Sanders, John Stansburg, Sidon
Sanderson, David, Calhoun City
Sasser, J. H., Carthage
Satterfield, J. C., Jackson
Satterfield, M. M., Port Gibson
Saul, L. K., Ellisville
Savage, J. W., Gulfport
Saxon, J. B., Waynesboro
Scarborough, C. P., Sumrall
Schwan, Jules A., Biloxi
*Schweizer, George J., Greenville
Scott, A. S., Laurel
Scudder, E. N., Mayersville
Seale, J. Eugene, Jr., Meridian
Sekul, John, Biloxi
Sellers, Crenna, New Haven, Conn.
Shands, W. Nugent, Jackson
Shands, Dugas, Cleveland
Shands, Douglas D., Jackson
Shanks, Jesse W., Purvis
Shannon, Charles R., Laurel
*Shappley, W. L., Jackson
Sharp, E. C., Booneville
*Sharpe, Wm. L., Corinth
Shaw, George E., Jackson
Sheffield, I. L., Tupelo
Sheffield, Joe, Pittsboro
Shelton, Louis F., Jackson
Sherman, Abe, Clarksdale
Shields, C. D., Meridian
Shields, John N., Fulton
Shipman, W. A., Raymond
Shirley, J. E., Quitman
Shivers, J. C., Poplarville
Shoemaker, N. R., Jackson
Short, Joseph H., Vicksburg
Shotts, H. A., Meridian
Shows, Walter L., Brookhaven
Siegel, Zelda, Sunflower
Sillers, Walter, Jr., Rosedale
Simmons, D. J., Jackson
Simmons, Hansford L., McComb
Simmons, J. U., Gulfport
Simmons, W. W., Cleveland
Simrall, James, Jr., Hattiesburg
Sims, W. L., Columbus
Singley, Henry Phillips, Columbia
*Singley, Jas. Taylor, Meridian
Sisson, Charles A., Clarksdale
Skinner, J. E., Jackson
*Smallwood, David Wiseman, Oxford
Smallwood, R. L., Jr., Oxford
Smith, C. C., Richton
Smith, Floyd P., Jackson
Smith, Fred B., Ripley
Smith, George Rockwell, 321 S. Pine St.,
Pratt, Kansas
Smith, George R., Gulfport
Smith, Gordon, Sidon
Smith, G. Spencer, Poplarville
Smith, John T., Cleveland
Smith, John T., Decatur
Smith, Lemuel A., Holly Springs
Smith, Lemuel A., Jr., Holly Springs
*Smith, L. O., Jr., Jackson
Smith, Luther A., Hattiesburg
Smith, O. R., Corinth
Smith, Robert B., Ripley
Smith, Sidney, Jackson
Smith, Sydney A., Jr., Jackson
*Smith, Toxey Hall, Poplarville
Smythe, Arnold, Batesville
Snow, Chas. B., Jackson
Snow, E. L., Meridian
Solomon, Earl, Greenville
Sumerville, Robt. N., Cleveland
Sparkman, A. B., Cleveland
Spearman, Paul D. P., Munsey Bldg.,
Washington, D. C.
Spinks, L. P., DeKalb
Spivey, L. G., Canton
Spivey, R. E., Fed. Land Bk.,
New Orleans
Spradling, J. M., Tupelo
Stainton, R. L., Jackson
Stamper, H. G., Union
*Stapleton, Henry C., Clinton
Steen, R. E., Picayune
*Stennett, E. W., Jackson
Stennett, J. C., Jackson
Stennis, J. D., Jr., Biloxi
Stennis, John C., DeKalb

*Now serving in the Armed Forces of the United States.

Stennis, J. P., Macon
*Stephens, Edgar J. Jr., New Albany
Stephens, H. D., New Albany
Stevens, Ben, Hattiesburg
Stevens, J. M., Jackson
Stevens, J. M., Jr., Jackson
Stewart, Ray M., Picayune
*Stirling, Carter, Jackson
Stirling, J. B., Jackson
Stoaks, Du Val, Vicksburg
Stockdale, Roy, Greenville
Stockett, Peter M., Woodville
Stockton, James M., Jackson
Stockstill, J. E., Picayune
Stockstill, W. W., Bay St. Louis
Stone, H. R., Decatur
Stone, John E., Jackson
Stone, J. P., Coffeeville
Stone, Phil, Oxford
Stone, T. B., Greenville
Stone, V. D., Lambert
Stone, W. I., Coffeeville
Stoner, Alfred, Greenwood
Stovall, Carey, Corinth
Stovall, Richard B., Jackson
Stovall, R. C., Columbus
Strange, E. T., Meridian
Stratton, Asa Graham, Liberty
Strauss, D. S., Greenville
Street, A. J., McComb
Street, Orbrey, Ripley
Street, Oscar, Ripley
*Stribling, Dees, Philadelphia
Stribling, Wm. P., Columbus
Stricker, V. J., Jackson
Stricker, V. J,. Jr., Jackson
Stringer, H. C., RFD No .1, Jackson
Strong, L. Q., Marks
Strong, W. A., Jr., Louisville
*Suddath, W. E., Jr., Jackson
*Sugg, Robt. P., Eupora
Sullivan, C. W., Hattiesburg
Sullivan, T. Harris, Hattiesburg
Summers, C. L., Corinth
Sumrall, N. W., Belzoni
Swalm, Sherman W., Brookhaven
*Swalm, Terry S., Brookhaven
Swango, C. M., Jr., Sardis
Swartzfager, Paul, Laurel
*Swartzfager, Philip M., Laurel
*Swartzfager, Raymond C., Laurel
Sweat, N. S., Corinth
Sweat, W. C., Corinth
Sykes, James B., Mendenhall
Sykes, E. O., Munsey Bldg., Washington, D. C.
Sylverstein, B. S., Columbia
Talbot, J. M., Clarksdale
Tally, J. R., Hattiesburg
Taylor, E. B., Shelby
Taylor, Herbert D., Jackson
Taylor, J. L., Gulfport
Taylor, Nelson E., Greenwood
Taylor, O. B., Jackson
*Taylor, Swepson S., Jackson
Taylor, Wm. F., Drew
Teat, G. L., Jackson
Teller, Landman, Vicksburg
Terry, Robert B., Jackson
Tetter, E. T., Marks
Thames, J. D., Vicksburg
Thigpen, C. W., Vicksburg
*Thigpen, Tate, Picayune
*Thomas, Dick Ramsay, Senatobia
Thomas, Earl T., Indianola
Thomas, F. G., Tupelo
Thomas, S. B., Greenville
*Thomas, Rowan T., Shaw
Thompson, Allen C., Jackson
Thompson, Eugene, Marks
Thompson, Fulton, Jackson
*Thompson, Joe Avery, Hattiesburg
Thompon, J. H., Jackson
*Thompson, R. H., Jackson
Thompson, Robert W., Jr., Gulfport
Thompson, W. S., Greenville
Thornton, G. J., Kosciusko
Tindall, Chas. S., Jr., Greenville
Tinsley, Robert L., Meridian
Todd, E. B., Jackson
Todd, H. D., Cleveland
*Tonsmeire, E. C., Jr., Biloxi
*Torrey, James A., Meadville
Torrey, V. H., Jr., Meadville
Toulme, C. W., Box 67, Shreveport, La.
*Townsend, Don D., Greenville
Townsend, Oscar B., Indianola
*Townsend, William, Kosciusko
Travis, Cecil F., Jackson
Travis, J. Kearney, Hattiesburg
Travis, J. Madison, Meridian
*Travis, S. E., Hattiesburg
*Traylor, Chas. Jos., Biloxi
Trenholm, Edw. L., Jackson
Triplett, O. B., Jr., Forest
Truly, E. G., Fayette
*Truly, E. G., Jr., Fayette
Truly, J. B., Arlington, Va.
Tubb, T. J., West Point
Tucker, C. B., Woodville
Tucker, W. F., Woodville (Deceased)
Tullos, Lowry V., Raleigh
Tullos, R. S., Raleigh
Turner, S. E., Carrollton
Tyler, Luther F., Picayune
Upton, Joe, Gloster
Upchurch, Robt. W., Coffeeville
Valentine, A. F., Rosedale
Valentine, Carmon E., Cleveland

*Now serving in the Armed Forces of the United States.

Van Every, H. K., Jackson
Varnado, Laverne, McComb
Veasey, Fletcher F., Jr., Marks
Venable, W. W., Clarksdale
Vollor, W. J., Vicksburg
Von Bloombergh, A. J., Jackson
Wade, B. D., 128½ E. Capt., Jackson
Wade, John W., University
Wadlington, Lucian R., Belzoni
*Wadlington, Walter, Biloxi
Waits, D. Hilton, Leland
Waits, Wm. B., Leland
Walker, B. M., Jr., Starkville
Walker, Ray, Laurel
Walker, R. B., Carthage
Wall, Hugh V., Brookhaven
Wall, E. R., Newton
Wallace, Carl G., Gulfport
Wallace, R. A., Gulfport
Wallace, Robert Rumley, Meridian
*Wander, Mose, Charleston
Ward, Emmett, Vicksburg
Ward, E. C., Biloxi
Ward, F. A., Jackson
Ward, Will E., Starkville
Ware, S. Lee, Jr., Jackson
Warren, H. G., Yazoo City
Warwick, A. M., Carthage
Wasson, B. F., Greenville
*Waterman, David L., Jackson
Watkins, A. T. L., New Augusta
Watkins, H. V., Jackson
Watkins, H. V., Jr., Jackson
Watkins, Singleton, Washington, D. C.
Watkins, Thos H., Jackson
Watkins, W. H., Jackson
*Watkins, W. H., Jr., Jackson
Watson, G. S., Port Gibson
Watson, Lamar, Greenville
Watson, Richard L., Columbus
Watson, W. Scott, Greenville
Watts, L. A., Pascagoula
Weathersby, O. O., Taylorsville
Weaver, Robin, Philadelphia
Weed, Donald, Condon, Ore.
Weems, Milton B., Laurel
*Weil, Karl, Port Gibson
Weir, W. T., Philadelphia
*Welch, David C., Laurel
Welch, W .S., Laurel
Wells, Edw. D., Vicksburg
Wells, W. Calvin, Jackson
Wells, W. Calvin, Jr., Jackson
Wells, W. Calvin, III, Jackson
Wells, Will S., Jackson
Westbrook, C. H., Jr., Meridian
*White, H. Edwin, Lexington
White, James Arnold, McComb
White, T. J., Gulfport
White, W. H., Gulfport
Whitfield, Garland Q., Jackson
Whitten, A. Leland, Sumner
Whitten, Jamie L., Charleston
Whittington, E. F., Clarksdale
Whittington, E. O., Liberty
Whittington, L. A., Natchez
Whittington, Wm. M., Greenwood
*Whittington, Wm. M., Jr., Greenwood
*Wideman, Yandell, Jackson
*Wiesenberg, Otto Karl, Pascagoula
Wilbourn, J. C., Meridian
Wilbourn, R. E., Meridian
Wiley, O. E., Ruleville
Wilkes, W. Ben, Greenville
Williams, C. D., Yazoo City
*Williams, Chas C., Okolona
Williams, Dan, (col), Jackson
*Williams, Dan G., Meridian
Williams, E. B., Poplarville
*Williams, E. B., Jr., Poplarville
*Williams, Lampton O'Neal, Poplarville
Williams, E. B., Meridian
Williams, Frank M., Moselle
Williams, F. T., Mendenhall
Williams, Gladstone E., Clinton
*Williams, John Bell, Raymond
Williams, J. L., Indianola
Williams, M. Ney, Raymond
Williams, R. X., Oxford
*Williams, Thos. Marvin, Jr., Lexington
Williamson, N. S., Meridian
Williamson, T. L., Purvis
Wills, L. E., Meridian
Wills, T. J., Hattiesburg
Wilson, Chas. D., Hazlehurst
Wilson, Harry E., New York, N. Y.
Wilson, H. J., Hazlehurst
Wilson, J. C., Philadelphia
Wiltshire, E. W., Magnolia
Wiltshire, James A., Magnolia
*Wiltz, Thos. J., Jr., Biloxi
Windham, E. K., Booneville
Windham, Eugene P., Mayersville
Wingo, Earle L., Hattiesburg
*Wise, Louis J., Yazoo City
*Wise, Sherwood, Jackson
Witherspoon, Gibson, Meridian
*Witherspoon, John, Meridian
Witherspoon, S. A., Meridian
Witty, F. M., Greenwood
*Womack, Edw. L., Brookhaven
Womack, W. D., Belzoni
Wood, Orvis S., Vicksburg
*Woodliff, George F., Jackson
Wooten, R. G., Hattiesburg
Worsham, B. F., Corinth
Wright, C. B., Belmont
Wright, C. M., Meridian
Wright, F. L., Rolling Fork
Wright, Fred P., Amory

*Now serving in the Armed Forces of the United States.

Wright, Russell, Jackson
*Wyatt, Lon Adams, Jackson
Wynn, Wm. T., Greenville
Yawn, J. N., Brookhaven
Yeager, John A., Lumberton
Yerger, E. M., Clarksdale
Yewell, T. O., Carrollton
Yonkers, Genevieve, Washington, D. C.
Young, H. D., New Augusta
Young, J. Will, Jr., Jackson
Young, M. C., Aberdeen
Zama, Miss Lena, Hazlehurst

## INACTIVE MEMBERS

Adam, E. J., Sr., Pass Christian
Adams, J. Cooper, Corinth
Adams, L. M., Memphis
Albritton, James S., N. Charleston, S. C.
Alexander, M. L., Picayune
Alford, S. M., Washington, D. C.
Alexander, Chalmers W., Jackson
Allen, T. D., Jr., Shaw
*Allen, Emmette P., Silver Creek
Allen, Sam. H., Washington, D. C.
Allen, Ward, Fresno, Calif.
Amis, Marshall W., Jackson
Anderson, Charles, Columbus
Anderson, G . D., Hattiesburg
Anderson, L. D., Sumner
Andrews, Chas. C., Grenada
Arrington, Fox, Washington, D. C.
Arrington, James D., Collins
Averill, Wm. Prentice, Oxford
Babendreer, Eleanore, Gulfport
Bailey, C. B., Jackson
Bailey, Pryor S., Oxford
Bailey, R. Lee, Corinth
Bates, Samuel Lyle, Meridian
Batson, Alpheus, Bothwell
Beach, John Sidney, Tibbee
Bell, Fulton, Greenville
Bennett, O. A., Carthage
Benson, Homer F., Washington, D. C.
Benson, I. D., Vicksburg
Berry, Loren B., Washington, D. C.
Bivins, Walter R., Jackson
Bertrand, Ruth L., Hattiesburg
Blackburn, D., Conehatta
Blissard, Tom L., Jackson
Boggs, Wm. R., Jackson
Bowling, Francis L., Jackson
Brady, B. M., Jackson
Brennan, E. F., Brookhaven
Broadus, Buren, Wiggins
Brooke, Akin, Mobile, Ala.
Brown, Bruce, Jackson
Brown, Charles Scott, Gulfport
Brown, D. W., Fulton
Bryant, Clifton E., Laurel
Buchanan, Frank J., Jackson
Buckley, J. Emmett, Enterprise
Buckley, John L., Enterprise
Buffington, J. V., Fed. Land Bank, New Orleans, La
Burke, Webb W., Jr., Jackson
Busby, Jeff, Houston
Byars, W. G., Jackson
Byrd, Joe G., Meridian
Byrd, W. A., Jackson
Byrnes, C. F., Natchez
Caldwell, Thos. P., Tutwiler
Calhoun, Edwin, Jackson
Calhoun, Leonard J., Washington, D. C.
Canizaro, P. C., Vicksburg
Cannon, L. C., Tunica
Cannon, R. L., Sumner
Carr, J. V., Jackson
Chastine, Doris, Jackson
Chapman, Asa S., Champaign, Ill.
Childress, W. M., Jackson
Clark, G. C., Waynesboro
Clayton, W. L., Meridian
Cochran, Louis, Santa Monica, Calif.
Cockrell, Ausbon M., Bay Springs
Coffman, Claude T., Merigold
Cole, James E., Lucedale
Cook, W. H., Jr., Jackson
Collins, W. G., Memphis, Tenn
Cooper, Milton, Philadelphia
Conner, R. E., New Orleans, La.
Cooper, Owen, Jackson
Corban, R. L., Fayette
Cox, Robt. H., Jackson
Cox, Chas S., Jackson
Crawford, Edw. F., Washington, D. C.
Crisler, J. Dunton, Clarksdale
Crump, C. H., Cleveland
Dailey, Louis I., Little Rock, Ark.
Danzig, Elliott R., Rolling Fork
Darden, R. A., New Orleans
Davis, Paul Duncan, Jackson
Davis, W. H., Jackson
Deck, W. I., Jackson
Dennis, Glender, Ellisville
Dent, W. W., Collins
Donald, Wm. D., Moorhead
Dorsey, Newman McCoy, Water Valley
Doty, Bennett J., Biloxi
Downs, A. B., Leland
Ducander, Chas. F. L., Jr., New Orleans, La.
Dunn, A. C., Meridian
Dunn, Allee, Greenville
Dunn, J. L., Meridian
Dye, Bradford, Charleston
Eastland, W. C., Ruleville

*Now serving in the Armed Forces of the United States.

Eddins, Lulie R., 2606 Garfield St., Washington, D. C.
Ellis, Webb G., Washington, D. C.
Enochs, J. L., Jr., Jackson
Ethridge, Eugene B., Oxford
Everhart, George S., Jackson
Everett, George A., Indianola
Everett, W. M., Hickory
Everitt, H. B., Pascagoula
Falkner, J. W. T., IV, Jackson
Fant, Lester G., Holly Springs
Feld, N. B., Vicksburg
Fatheree, J. D., Quitman
Felner, Sol, Vicksburg
Fewell, Will, Meridian
Fink, Alvin E., West Memphis, Ark.
Fleming, Jas. S., Jr., Natchez
Fleming, Robt. E., Jackson
Floyd, L. R., Magee
Floyd, Matelyn, Jackson
Folmer, Frank P., Jr., Philadelphia
Ford, J. H., Houston
Ford, R. C., Greenwood
Fox, J. H., Jackson
Franck, Mrs. Ruth, Jackson
Franklin, Lester C., Jackson
Frazier, T. A., Clarksdale
Friday, J. E., Booneville
Gaines, O. T., Iuka
Garraway, J. S., Hattiesburg
Gilbert, J. M., Cleveland
Gilbert, Colin O., Winchester
Gillespie, H. B., Jr., Raymond
Gillis, J. K., Philadelphia
Glass, Frederick Marion, Washington, D. C.
Goodman, Joseph, Los Angeles, Calif.
Graham, Margaret Jones, Jackson
Grantham, Gordon, Washington, D. C.
Grantham, Levi, Hattiesburg
Green, Jess D., Tupelo
Greer, Winnie, Jackson
Griffin, George U., Tupelo
Griffing, D. Q., Shelby
Gully, J. B., Jackson
Gwin, Lawrence P., Houston, Texas
Hairston, Brown C., Crawford
Haley, Archie M., Jackson
Hall, Stanley W., Jackson
Hall, Toxey, Jr., Columbia
Hardy, Leonard D., Gulfport
Harmon, Jack, Memphis
Harper, Frank H., Hattiesburg
Harrell, John K., McComb
Harrington, Geo. K., Washington, D. C.
Harris, W. W., Jackson
Hartley, C. D., Maben
Hathorn, F. C., Jr., Washington, D. C.
Hays, Mrs. T. L., Jackson
Hayes, George L., Wesson
Haynes, Robt. F., Jr., Washington, D. C.
Heckler, Willie J., Indianola
Herbert, Lon D., Oxford
Hilbun, Henry, Jr., Laurel
Hill, Robt. E., Tupelo
Hill, Wiley C., Tupelo & Washington, D. C.
Hinds, Robert L., Tupelo
Hitch, Louis, Longview, Texas
Holesapple, Newson, Columbus
Holden, H. Cassidy, Washington, D. C.
Holley, E. E., Aberdeen
Holloway, Chas. D., Jackson
Holmes, E. R., Sr., New Orleans
Holmes, W. F., Jr., Grenwood
Horne, F. R., Jackson
Horton, Kenneth D., Jackson
Howorth, Jos. M., Washington, D. C.
Howorth, Lucy S., Washington, D. C.
Hughes, Frank K., Corinth
Hughes, J. A., DeKalb
Hughes, J. B., Moorhead
Hutto, A. C., Gulfport
Irby, P. Eugene, Jr., Dallas, Texas
James, Wm. Howard, Newton
Jayne, R. L., Greenville
Jones, Ernest P., Washington, D. C.
Jones, W. V., Laurel
Joor, Wm. Walker, Rolling Fork
Jourdan, J. C., Jr., Iuka
Keesee, Thos. M., Lula
Kelly, J. W., Jr., Fed. Land Bank, New Orleans, La.
Kennedy, Allen, Magee
Kennedy, Heber, Magee
Kervin, J. D., Jr., Collins
Kincannon, H. V., Tupelo
Koch, Harry E. Laurel
Kruse, H. A., Biloxi
Kuykendall, John M., Jr., Charleston
Lacy, Eugene P., Washington, D. C.
Larr, G. L., Jr., Vicksburg
Lane, Rabian D., Jackson
Leggett, John G., McComb
Lee, Percy M., Jr., Forest
Lee, Ray Noble, Forest
Lewis, E. M., Hazlehurst
Leland, Edwin S., Silver Springs, Md.
Lewis, Mrs. Ida Lou, Hazlehurst
Lincoln, C. L., Columbus
Lindsay, Winston S., Jackson
Linthicum, Jno. C., Jackson
Loeb, Edna, 1750 Harvard St., S. W., Washington, D. C.
Logan, John L., Jackson
Logan, W. E., Natchez
Long, C. P., Jr., Pontotoc
Lowrey, P. H., III, Washington
Mabry, W. O., Jr., Houston, Texas

*Now serving in the Armed Forces of the United States.

Maddux, Snowden D., Water Valley
Magee, Otho, Tylertown
Mahon, Hugh K., Jr., Jackson
Magruder, A. F., Starkville
Malone, Maurice L., Lucedale
Maltby, Helen Pat, Brookhaven
Martin, Burkette H., Jackson
Martin, Edwin T., Jackson
Martin, Robert G., Whitfield
Mason, Harvey Edward, Jackson
Mattox, Phillip, Little Rock, Ark.
Matthews, Jack, Moline, Illinois
May, J. A., Sumner
Mayo, Louise, Jackson
Mayo, J. G., Meridian
McClintock, Geo. Thomas, Jackson
McCoy, Ben E., Calhoun, Ky.
McInnis, F. S., Moss Point
McIntosh, Luther, Jr., Washington, D. C.
McIntyre, E. S., West Point
McIntosh, Tarver, Jackson
McKinnon, Stanley D., Jackson
McLaurin, Carroll J., Raleigh
McLendon, Robt. L., Vossburg
McLure, Jos. Richard, Oxford
Miller, D. M., Hazlehurst
Miller, Herbert L., Morgan City, La.
Miller, Hugh Barr, Jr., Hazlehurst
Millsaps, W. W., Cleveland
Mitchell, B. T., Tupelo and Washington, D. C.
Mize, F. F., Jackson
Mobley, R. T., Jackson
Morgan, F. R., Morgan City
Morrison, E. T., Leakesville
Moss, J. O., Lucedale
Mounger, Wm. H., Greenville
Neill, Robt. H., Greenville
Nichols, H. A., Jackson
Norton, W. R., Brookhaven
Oldham, L. E., Oxford
O'Neill, A. M., Dumas
Ott, W. D., Osyka
Pack, C. D., Washington, D. C.
Pack, W. L., Jr., Laurel
Pace, Courtney C., Ruleville
Parker, Percy F., Canton
Parker, S. R., Collins
Patty, E. C., Macon
Pierce, Whitfield, Jackson
Perkins, Alfred, Meridian
Perret, St. John, Gulfport
Pittman, H. P., Jackson
Portwood, Robert D., Greenwood
Porter, M. B., Moselle
Price, Maurice, Jackson
Pratt, W. F., Jackson
Prospere, Vincent W., Washington, D. C.
Ramsey, L. K., Forest
Ratcliff, Lee, Natchez
Rhine, H. M., Iuka
Rice, R. K., Sumner
Robertson, Shed Hill, Clarksdale
Ross, Fred A., Meridian
Royal, John R., McComb
Rush, M. L., Meridian
Russ, Roderick S., Corpus Christi, Texas
Salter, S. G., Hazlehurst
Sanders, J. O. S., Jr., Jackson
Sanders, J. O. S., Jackson
Sauls, Edw. B., Jr., Jackson
Satterwhite, D. S., Jackson
Saxon, O. E., Waynesboro
Schmitt, Wm. A., Washington, D. C.
Savage, Jas. S., Memphis, Tenn.
Scott, Frank T., Jackson
Scott, J. M., Carthage
Scott, Walter A., Jr., Jackson
Schultz, Jas. S., Memphis, Tenn.
Searcy, W. P., Jackson
Seay, Clanton M., Jackson
Segura, H. Weston, Jackson
Sewell, Brown L., Jackson
Shell, Dan H., Okolona
Shelton, Ernest L., Jackson
Shelton, Tom, Lambert
Shoemaker, A. R., Jackson
Simmons, E. J., Magnolia
Silvers, Laurence J., Shaw
Simmons, E. J., Jr., Magnolia
Simonson, H. C., Jackson
Simpson, Wm. M., Sumner
Sims, Clara Melton, Jackson
Sims, Leonard F., Fort Worth, Texas
Slough, C. E., Oxford
Smith, Edw. W., Clarksdale
Smith, J. I., Monticello
Smith, Joseph J. Jr., Meridian
Smith, L. O., Van Vleet
Smith, Rundle, Vicksburg
Smith, V. B., Paden
Smylie, J. A., Crystal Springs
Snyder, W. M., Knox, Pa.
Sours, Wm. G., Jr., Jackson
Spearman, John C., Fulton
Spencer, W. H., Memphis, Tenn
Spight, Frank L., Tupelo
Stanley, Roger, Booneville
Starnes, B. F., Slate Springs
Statham, Billy Dan, Magnolia
Steel, Horace, Jackson
Steele, Talbot A., Jackson
Stevens, Phineas, Jackson
Stigler, W. A., Tunica

*Now serving in the Armed Forces of the United States.

Stockett, W. J., Woodville
Stone, H. R., Jr., Decatur
Straus, Fritz, Jackson
Streit, Robert S., Jackson
Stribling, Jim, Philadelphia
Strong, James Wm., Mendenhall
Stump, D. R., Aberdeen
Sullivan, C. A., Kankakee, Ill.
Sutherland, A. L., Boonville
Sumrall, J. H., Jackson
Temple, W. F., Meridian
Tharp, Phillip A., Jackson
Thomas, J. M., Tupelo
Thomas, O. C. Meridian
Thomas, W. H., Jackson
Thompson, J. L., Bay Springs
Torey, J. E., Fayette
Torrey, V. G., Meadville
Trigg, B. C., Greenville
Triplett, O. B., Sr., Forest
Truly, Jeff, Fayette
Tucker, Betty Bartee, Jackson
Tyson, J. A., Washington, D. C.
Underwood, Felix, J., Jr., Jackson
Vardaman, Douglas, Rosedale
Vollor, J. D., Washington, D. C.
Wadsworth, J. M., Forest
Walker, Edgar Lee, University
Walker, James M., Jackson
Wall, Robt. W., Boyle
Wallace, W. L., Gulfport
Walton, Joe, Newton
Watkins, D. M., Hattiesburg
Watkins, Singleton, Washington, D. C.
Watts, France W., McComb
Watson, J. R., Jackson
Wells, James M., Magee
Wells, Robert, Jackson
West, Mary Elizabeth, Jackson
Wheeles, L. L. Jackson
Wheeler, Joe C., Jackson
Whetstone, J. C., Biloxi
White, James Monroe, West Point
White, M. L., Monticello
*Whitten, J. W., Jr., Sumner
Wigginton, R. D., Pass Christian
Williams, David J., Pelahatchie
Williams, Marguerite, Picayune
Williams, Parham H., Lexington
Willoughby, T. R., Jackson
Wilson, Frank M., Washington, D. C.
Wilson, T. W., Washington, D. C.
Woods, H. J., Meridian
Wood, Orvis S., Vicksburg
Woodruff, Lee T., Memphis, Tenn
Woody, Wells W., Lake Charles, La.
Woodward, Roy F., Jackson
Woollard, P. B., Cleveland
Wright, E. C., Holly Springs
Yeager, John A., Jr., San Louis Obispo, Calif.

# MISSISSIPPI LAW JOURNAL

VOLUME XIV
1941-1942

Published by

Mississippi State Bar

and

University of Mississippi Law School

UNIVERSITY, MISSISSIPPI

# GENERAL INDEX

## TITLE LEADING TO LEADING ARTICLES


Administration and Law—An Introduction ..... *Jospeh A. Todd* 287
Administrative Justice and Judicial Self-Restraint ..... *Vincent M. Barnett, Jr.* 305
Administrative Process of Fixing Wages Under the Fair Labor Standards Act of 1938, The ..... *Arthur J. Riggs* 369
Congressional Delegations Since the Schechter Case ..... *Charles B. Nutting* 350
Control Over Distribution: Monopoly Aspects of Restraint Upon Distributors and Producers ..... *George E. Hale* 170
Declaratory Judgents As Applied to Insurance Business ..... *Joseph C. Hutcheson, Jr.* 485
Federal Courts and Administrative Action Under Statutes: An Aspect of the Rowan & Nichols Cases ..... *Walter P. Armstrong, Jr.* 335
Final Report of Attorney General's Committee on Adiministrative Procedure and the Report of the Committee on Minister's Powers, The ..... *J. A. Corry* 393
Jurisdiction and Venue of Transitory Actions Against Nonresidents of Mississippi ..... *J. M. Stevens, Jr.* 495
Liability in Tort of Cooperative Power Companies, The ..... *William N. Ethridge* 190
Literature of Administrative Law, The ..... *Sheldon D. Elliott* 412
Private Litigation Under the Wage and Hour Act ..... *Rufus G. Poole* 157
Protection of Individuals and of the Nation Under the Selective Service Acts of 1917 and 1940, *Charles W. Taintor, II, and A. B. Butts* ..... 445


## AUTHOR INDEX TO LEADING ARTICLES


Armstrong, Walter P. Jr.—Federal Courts and Administrative Action Under State Statutes: An Aspect of the Rowan & Nichols Cases ..... 335
Barnett, Vincent M., Jr.—Administrative Justice and Judicial Self-Restraint ..... 305
Butts, A. B.—Protection of Individuals and of the Nation Under the Selective Service Acts of 1917 and 1940 ..... 445
Corry, J. A.—The Final Report of Attorney General's Committee on Administrative Procedure and the Report of the Committee on Minister's Powers ..... 393
Elliott, Shelden D.—The Literature of Administrative Law ..... 412
Ethridge, William N.—The Liability in Tort of Cooperative Power Companies ..... 190
Hale, George E.—Control Over Distribution: Monopoly Aspects of Restraint Upon Distributors and Producers ..... 170
Hutcheson, Joseph C. Jr.—Declaratory Judgments as Applied to Insurance Business ..... 485
Nutting, Charles B.—Congressional Delegations since the Schechter Case ..... 350
Poole, Rufus G.—Private Litigation Under the Wage and Hour Act ..... 157
Riggs, Arthur J.—The Administrative Process of Fixing Wages Under the Fair Labor Standards Act of 1938 ..... 369
Stevens, J. M., Jr.—Jurisdiction and Venue of Transitory Actions Against Nonresidents of Mississippi ..... 495
Taintor, Charles W., II—Protection of Individuals and of the Nation Under the Selective Service Acts of 1917 and 1940 ..... 445
Todd, Joseph A.—Administration and Law—An Introduction ..... 287

## THE WORK OF THE MISSISSIPPI SUPREME COURT FOR THE SEPTEMBER, 1940, AND THE MARCH, 1941, TERMS


Appeal and Error ..... *Charles R. Galloway* 1
Commercial Law ..... *Kermit R. Cofer* 11
Criminal Law ..... *L. A. Smith, Jr.* 21
Insurance ..... *George T. McClintock* 32
Pleading, Practice and Procedure ..... *John M. Kuykendall* 37
Property ..... *Warner Beard, Jr.* 49
Public Law ..... *Pat D. Holcomb* 58
Taxation ..... *Marvin Williams* 75
Torts ..... *Maxwell Bramlette* 82
Statistical Survey ..... *Richard Lord* 98
MISSISSIPPI LEGAL HISTORY—Lands of the Liquidating Levee Board Through Litigation and Legislation ..... *John William Wade* 114
BIOGRAPHICAL SKETCHES—The Humor of John Sharp Williams ..... *George C. Osborn* 145


## PERTAINING TO THE MISSISSIPPI STATE BAR


STATE BAR CONVENTION PROCEEDINGS ..... 539

ADDRESSES

The President's Address ..... 539
George A. Wilson, *Property Rights and the Law of Oil and Gas* ..... 543
Camille Kelley, *Our Children in a World at War* ..... 553
Carl Marshall, *The Origin, Growth and Preservation of Democracy* ..... 572
T. C. Kimbrough, *The Lawyer's Part in the Great Defense Problems of Today* ..... 579
Claude Pepper, *A Democracy Totally Mobilized to Win the War* ..... 598
W. G. Roberds, *Constitutional Liberty* ..... 657

REPORTS

Committee on Coordination or Admission to the Bar ..... 656
Complaint Commissioner ..... 568
Legislative Committee ..... 569
Finance Committee ..... 585
Study Committee ..... 587
Committee on Americanism ..... 590
Committee on Unauthorized Practice of Law ..... 592
Mississippi Law Journal ..... 593
Junior Bar Section ..... 594
Committee on Public Relations ..... 611
Chairman of Junior Bar (*Jr. Bar*) ..... 621
Committee on Admission to the Bar (*Jr. Bar*) ..... 629
Legislative Committee (*Jr. Bar*) ..... 630
Committee on Cooperation with Young Lawyers (*Jr. Bar*) ..... 631
Committee on Unauthorized Practice and Encroachments on the Practice of Law (*Jr. Bar*) ..... 633
Study Committee (*Jr. Bar*) ..... 637
Code Committee (*Jr. Bar*) ..... 646

RESOLUTIONS AND DECLARATION OF POLICY

Resolutions Providing for Defense Committee ..... 614
Resolution as to Examination of Nonresidents for Bar Admission (*Jr. Bar*) ..... 629
Resolution upon Practice of Law by Corporate Fiduciaries (*Jr. Bar*) ..... 633
Resolution Permitting Election of Honorary Members of State Bar to Junior Bar (*Jr. Bar*) ..... 656
Statement of Newly Elected President of State Bar ..... 619
Directory to Mississippi State Bar ..... 665

# INDEX DIGEST

The symbols used herein are as follows: (LA) refers to Leading Articles; (N) refers to Notes; (RD) refers to Recent Decisions; and (*) indicates that the discussion involves Mississippi Law, though not necessarily confined thereto.


ACTIONS

*Jurisdiction and venue of transitory actions against nonresidents (LA) 496-508

ADMINISTRATIVE LAW

*Administration and Law—An Introduction (LA) 287-304
—Historical survey (LA) 287-292
—Reasons for administrative adjudication (LA) 292-294
—Forces affecting operation of administrative process (LA) 294-300
—Means of control of administrative agencies (LA) 301-303
—Appraisal of administratve system (LA) 303-304
Administrative functions involved in Selective Service Acts (LA) 445-484
Administrative Justice and Judicial Self-Restraint (LA) 305-334
—Historical aspects of substantive due process (LA) 306-311
—Growth of Judicial monopoly of "reasonableness" (LA) 311-321
—Current controversy outside the Court (LA) 321-325
—Recent trend toward judicial restraint (LA) 325-334
Administrative process of fixing wages under the Fair Labor Standards Act of 1938 (LA) 369-392
*Administrative remedies before the Board of Supervisors (N) 426-430
Relationship between State Tax Commission and Board of Supervisors (N) 433-437
Congressional Delegation Since the Schechter Case (LA) 350-368
—Invalid delegations of legislative power (LA) 350-352
—Problem of standards—detailed character of delegation (LA) 352-356
—Methods of delegation in federal acts (LA) 356-363
—Formal fact-finding as a requirement to validity (LA) 363-365
—Validity of delegation to private groups (LA) 365-366
Federal Courts and Administrative Action Under State Statutes: An Aspect of the Rowan & Nichols Cases (LA) 335-349
—A review of administrative orders under state statutes (LA) 335-349
Literature of Administrative Law (LA) 412-424
—Textbooks (LA) 413-417
—Casebooks (LA) 417-419
—Committee Reports (LA) 419-422
—Manuals and current services (LA) 422-423
—Law Review Symposia (LA) 423-424
Private Litigation Under the Wage and Hour Act—The Fair Labor Standards Act of 1938 (LA) 157-169
The Final Report of Attorney General's Committee on Administrative Procedure and the Report of the Committee on Minister's Powers (LA) 393-411
—Comparison of leading conclusions and recommendations suggested (LA) 393-396
—Safeguards recommended (LA) 396-397
—Hearings under administrative process (LA) 397-398
—Formal and informal methods of adjudication (LA) 398-401
—Appraisal of present administrative process (LA) 401-402
—Separation of prosecuting and judging functions (LA) 402-407
—Judicial control of administrative adjudication (LA) 407-410
*The necessity of notice, hearing, and judicial review of licensing by administrative bodies (N) 510-526
Private litigation under the Wage and Hour Act (LA) 157-169
—Employer-employee relationship, definition of (LA) 157-159
—Jurisdiction—federal or state courts (LA) 158-159
—Removal from state to federal courts (LA) 159-161
—Applicable statute of limitations (LA) 161-162
—Survival of actions (LA) 162-164
—Parties (LA) 164-168
—Mandatory nature of additional liability: attorney's fees, etc. (LA) 168-169

AGENCY

*The Agency Problems of Insurance Liability in Mississippi—the Effect of Section 5106, Mississippi Code of 1930, upon waiver and estoppel (N) 220-239
—*Effect of acts of an agent with apparent authority at common law and under statute from 1917-1940 (N) 222-232
—*Effect of acts of agent upon principal after 1940 (N) 232-238

The symbols used herein are as follows: (LA) refers to Leading Articles; (N) refers to Notes; (RD) refers to Recent Decisions; and (*) indicates that the discussion involves Mississippi Law, though not necessarily confined thereto.


ALIENS
Provisions for under Selective Service Acts (LA) 449-450

ATTORNEYS
Duties under Wage and Hourt Act (LA) 389-391
Functions under Selective Service Acts (LA) 482-483

CHARITABLE CORPORATION
*Functions of and liabilities of charitable corporations, and such corporations defined (LA) 207-215

CONFLICT OF LAWS
*Conflict of Laws as to Adoption in Relation to the Inheritance of Property (N) 269-280
—Lex rei sitae controls inheritance of adopted persons (N) 269-270
—Adoption in another state established status and detailed rights of inheritance controlling inheritance (N) 270-272
—Recognition of other states' rules if compatible with laws of state controlling inheritance (N) 272-275
—Mississippi's application of these conflict rules (N) 275-280
*Conflict of Laws as to Contracts in Mississippi (N) 240-256
—Place of performance regarded as most important contact point (N) 249-255
—Law of place of performance of contract applied (N) 255-256
*Mississippi Statute of Frauds in the Conflict of Laws (N) 256-262
*Presumption in favor of the law of the place of performance of the contract (N) 261
*Contract law of the jurisdiction intended by the parties controlling (N) 261
*Problems of jurisdiction and venue in actions against nonresidents (LA) 496-508

CONSTITUTIONAL LAW
Constitutional facts related to judicial review in administrative law (LA) 312-334
Constitutionality of delegation of power under Selective Service Acts (LA) 445-449
Due Process as affecting administrative orders under state statutes (LA) 335-349
Due Process in the judicial review of administrative findings (LA) 306-311
*Due Process requirements of licensing statutes regarding right and extent of appeal and review (N) 519-525
Effect of conscientious objector's clause of Selective Service Acts (LA) 449-450
*Equal Protection of the law as applied to the venue statutes (LA) 496-501
*General Constitutional questions of licensing under administrative authority (N) 511-512
Problems of delegating legislative power (LA) 350-368
Separation of powers doctrine as related to administrative law (LA) 300-301

CONTRACTS
*Quasi-contracts Imposed by Law to Prevent Unjust Enrichment (RD) 527-530
*Quasi-contracts — benefits obtained through fraud—and effect of intention to confer benefit gratuitously (RD) 527-531
*Conflict of laws in Mississippi as to contractual obligations (N) 240-256
Control over distribution; monopoly aspects of restraints upon distributors and producers (LA) 170-189
*Discussion of application of Mississippi statute of frauds to contracts (N) 261-262
*Discussion of liability of insurance company for agents acts under statute (N) 220-239
*Problems of obligation and performance involving conflict of laws (N) 241-254
*Status of insurance contractual rights as affected by Federal Declaratory Judgment Act (LA) 488-494

CORPORATIONS
*Liability of cooperative power companies as a corporate liability (LA) 190-218
*Liability in tort of governmental, municipal, and charitable corporations (LA) 198-215
*Venue of actions against foreign corporations in Mississippi (LA) 496-500
Charitable corporations, See
Governmental corporations, See
Municipal corporations, See

CRIMINAL LAW
Criminal sanctions implementing the Selective Service Acts (LA) 476-483

The symbols used herein are as follows: (LA) refers to Leading Articles; (N) refers to Notes; (RD) refers to Recent Decisions; and (*) indicates that the discussion involves Mississippi Law, though not necessarily confined thereto.


DAMAGES
Liability of employer under Fair Labor Standards Act—violation of minimum wage or overtime provisions (LA) 157-158 168-169

DECLARATORY JUDGMENT
Denied as a remedy for reviewing actions of local and appeal boards (LA) 460
Effect of Federal Declaratory Judgment Act in insurance contracts (LA) 485-494

DESCENT AND DISTRIBUTION
*Adoption in another state establishing status and detailed rights of inheritance controlling inheritance (N) 270-272
*Recognition of other states' rules of descent and distribution if compatible with laws of state controlling inheritance (N) 272-275
*Mississippi's application of conflicts rules in inheritance problems (N) 275-280

EMERGENCY PRICE CONTROL ACT OF 1942
Contrast of its structure with Fair Labor Standards Act of 1938 (LA) 391-392

ELECTION OF REMEDIES
*What constitutes election of remedies (RD) 284-285
*Recovery or collectible judgment against servant a bar to separate action against master (RD) 281-286

EQUITY
*Injunctive procedure under Federal Declaratory Judgment Act (LA) 490-494

ESTOPPEL
*Statutory impliction of acts of agents binding insurance companies (N) 220-239

EVIDENCE
Evidence as a basis of review of Selective Service Board decisions (LA) 466-476
Privileged evidence of records of Selective Service Boards (LA) 481-482
Types, admissibility, and sufficiency of evidence before administrator of Wage and Hour Act (LA) 383-389
Types and admissibility of evidence before industry committee (LA) 380-381
Types of evidence in Selective Service Classifications (LA) 453-454
*Use of evidence in license revocation procedure (N) 517-519

FAIR LABOR STANDARDS ACT
The Administrative Process of Fixing Wages Under the Fair Labor Standards Act of 1938 (LA) 369-392
—Germane provisions of the statute (LA) 369-373
—Wage order procedure (LA) 371-391
—Determination of the industries to be considered and the definition of these industries (LA) 373-377
—Problem of appointment of industry committees (LA) 377-379
—Committee hearings and recommendations (LA) 379-392
—Structure of Emergency Price Control Act contrasted (LA) 391-393
Private litigation under the Fair Labor Standards Acts of 1938 (LA) 157-169

FEDERAL COURTS
Jurisdiction of private litigation under the Fair Labor Standards Act of 1938 (LA) 158-159
Jurisdiction of administrative action under state statutes for oil proration orders (LA) 335-349

FEDERAL DECLARATORY JUDGMENT ACT
*Declaratory Judgments as Applied to Insurance Business (LA) 485-494
—General applicable principles of the Act (LA) 486-488
—Aspects of declaratory judgment in insurance contracts (LA) 488-490
—Injunctive procedure and its accompanying problems (LA) 490-492
—Liability and the element of discretion under the Act (LA) 492-494

FEDERAL TRADE COMMISSION
Control over monopolistic restraints upon distributors and procedures (LA) 170-189

FRAUD
*Benefits obtained through fraud (N) 527-531

GOVERNMENTAL CORPORATIONS
*Governmental functions distinguished from corporate functions (LA) 197-207

INJUNCTIONS
*Injunctive procedure under the Federal Declaratory Judgment Act (LA) 490-494
Method of review of administrative actions (LA) 461-462

The symbols used herein are as follows: (LA) refers to Leading Articles; (N) refers to Notes; (RD) refers to Recent Decisions; and (*) indicates that the discussion involves Mississippi Law, though not necessarily confined thereto.


INSURANCE
*Aspects of declaratory judgment in insurance contracts (LA) 485-494
*Insurer's liability for acts of agent as affected by statutes of several states (N) 220-239

JURISDICTION
Actions under Sec. 16(b) of the Wage and Hour Act may be brought in either federal or state courts (LA) 158-159
Jurisdiction of administrative action under state statutes regrading proration orders (LA) 335-349
*Jurisdictional facts must appear on record of Board of Supervisors (N) 427-428
Jurisdiction of registration boards over registrants under Selective Service (LA) 450-452
Jurisdiction of Selective Service Boards challenged (LA) 464-466
*Method of Process in serving nonresidents under Mississippi statutes (LA) 502-508
Removal Jurisdiction doubtful under sec. 16(b) of Wage and Hour Act (LA) 159-160

LICENSES
*The Necessity of Notice, Hearing, and Judicial Review of Licensing by Administrative Bodies (N) 510-526
—Licensing defined and discussed (N) 510-513
—Right and extent of notice and hearing upon application for or revocation of the license (N) 513-519
—Right and extent of appeal and review (N) 519-525
—Suggested changes (N) 525-526

LIMITATION OF ACTIONS
Applicable state statutes govern under Sec. 16(b) of Wage and Hour Act (LA) 161-162
Wage and Hour Act provides for no survival of actions—common law applicable (LA) 162-164

MARRIAGE
Marital status and its problems under the Selective Service Acts (LA) 467-476

MASTER AND SERVANT
*Tort liability to third persons (RD) 281-286
*Liability of cooperative power compaines (LA) 190-218

MERGER
*Application to master and servant cases (RD) 282-283

MONOPOLY
Control Over Distribution: Monopoly Aspects of Restraints upon Distributors and Producers (LA) 170-189
—Requirement contracts and their validity under Clayton Act (LA) 170-177
—Tying clauses and their validity (LA) 177-180
—Output contracts, defined and general test as to legality (LA) 180-182
—Exclusive sales areas, defined and general test as to validity (LA) 180-182
—Restricted sales areas as a form of control (LA) 182-183
—Miscellaneous controls (LA) 183-185
—Extent of control over public utilities (LA) 185-186
—Economic and political considerations supporting control and distribution (LA) 186-189

MUNICIPAL CORPORATIONS
*Functions and liabilities described (LA) 199-201
*Tort liability described (LA) 205-207

NOTICE
Kind required under Fair Labor Standards Act (LA) 383
*Particular method of service required on non-residents (LA) 504-507
*Requirements of notice in administrative licensing (N) 513-515
Requirements of notice under Selective Service Acts (LA) 453-458
*Taxpayer's right to notice of Board of Supervisors action in equalization of assessment (N) 427-428

OCCUPATIONS
*Licensing by administrative boards (N) 510-526

OIL AND GAS
Validity of proration orders by state administrative agencies (LA) 335-349

PARTIES
Kind of employees actions under Sec. 16(b) of Wage and Hour Act (LA) 164-168
Joinder of claims of employees "similarly situated" (LA) 166-168

PRACTICE AND PROCEDURE
*Administrative procedure under state licensing statutes (N) 513-519

The symbols used herein are as follows: (LA) refers to Leading Articles; (N) refers to Notes; (RD) refers to Recent Decisions; and (*) indicates that the discussion involves Mississippi Law, though not necessarily confined thereto.


*Appeal and review as affecting administrative procedure under licensing statutes (N) 519-525
*Certiorari as a method of review of administrative action (N) 514-515
Changes in administrative procedure recommended by American and British committees (LA) 393-411
Function of mandamus as a method of appeal from draft board decisions (LA) 461
Habeas corpus and the problem of granting petitions after induction in draft (LA) 462-466
Injunctive procedure under federal declaratory judgment Act (LA) 490-494
*Mandamus as a method of review of administrative licensing boards (N) 514
*Manner of appeal from actions of Board of Supervisors' assessments (N) 430-437
Problems of procedure in the administrative process (LA) 305-334
Private litigation procedure under the Wage and Hour Act (LA) 157-169
*Summary action under licensing statutes (N) 515-517

PROCESS

*Validity of substituted process upon non-residents in Mississippi (LA) 502-507
Notice, See

PROPERTY

*Recognition of rules of foreign states as to adoption in inheritance of property (N) 260-280
*Taxpayer's remedies in Mississippi for improper assessment of property (N) 426-443
*Tort liability of landowners for trespassers on their property (N) 262-269

PUBLIC LAW

Discussion of governmental administrative system (LA) 287-304

SELECTIVE SERVICE ACTS

Protection of Individuals and of the Nation Under the Selective Service Acts of 1917 and 1940 (LA) 445-484
—Constitutionality of the delegation of powers (LA) 445-450
—Jurisdictional aspect of registration (LA) 450-453
—Administrative procedure under the classification and selection System (LA) 453-458
—Functions of the local and appeal boards as affecting the limit of judicial review of their decisions (LA) 458-463
—Methods of review of actions of selective service boards (LA) 463-476
—Criminal sanctions implementing the Selective Service Acts (LA) 476-481
—Other sanctions implementing Act (LA) 481-483

SERVICE OF PROCESS

*Particular method of service required in administrative licensing (N) 513-515
*Validity of substituted process upon nonresidents in Mississippi actions (LA) 502-507

STATUTE OF FRAUDS

*Mississippi statute in the conflict of laws (N) 256-262

STATUTES

*Agency problems of insurance liability as affected by the Mississippi statute in point (N) 220-239
The affect of the Clayton Act over control and distribution and its monopolistic aspects (LA) 170-189
The administrative procedure of fixing wages under Fair Labor Standards Act (LA) 369-392
Private litigation under Wage and Hour act as affected by such federal statute (LA) 157-169
*Effect of Declaratory Judgment Act on insurance contracts in Mississippi (LA) 485-494
*Effect of Ch. 246, Laws of 1940, on transitory actions against non-residents (LA) 495-508
Problems of standards of delegation of legislative powers as controlled by Congressional action (LA) 350-366

TAXATION

*Taxpayer's Remedies in Mississippi for Improper Assessment of His Property (N) 426-443
—Administrative remedies before the Board of Supervisors (N) 426-430
—Taxpayer's right of appeal (N) 430-438
—Recovery of taxes paid (N) 438-441
—Injunction against collection of the tax (N) 441-443

The symbols used herein are as follows: (LA) refers to Leading Articles; (N) refers to Notes; (RD) refers to Recent Decisions; and (*) indicates that the discussion involves Mississippi Law, though not necessarily confined thereto.

TORTS
*The Liability in Tort of Cooperative Power Companies (LA) 190-218
—General historical background (LA) 190-193
—The Elkins Case, discussion of case (LA) 193-194
—A cooperative functional status (LA) 194-197
—The functions distinguished as governmental or corporate (LA) 197-207
—Function of a corporation—the non-profits theory (LA) 207-215
—Consideration of social and economic problems involved (LA) 215-218
*Tort liability to third persons by master and servant (RD) 281-286
*Tort Liability to Trespassers in Mississippi (N) 262-269
—Landowner's duty to trespasser (N) 262-263
—Landowner's duty to licensees and to "known" trespassers (N) 263-266
—Attractive nuisance doctrine (N) 266-268

TRADE
Control Over Distribution: Monopoly Aspects of Restraints Upon Distributors and Producers (LA) 170-189

TRUSTS
*Constructive trust as a device to prevent unjust enrichment (RD) 531
*Tort immunity of corporations as justified by trust-fund theory (LA) 207-215

VENUE
*Jurisdiction and Venue of Transitory Actions Against Nonresidents of Mississippi (LA) 495-508
—Venue of transitory actions against nonresidents (LA) 496-502
—Substituted service of process upon nonresident individuals (LA) 502-507
—Suggested criticisms of author with regard to Ch. 246, Laws of 1940 (LA) 507-508

WAIVER
*Effect of statute upon waiver clauses in insurance policies (N) 220-239

## TABLE OF CASES


Angelus v. Sullivan ..... 460
Application of Greenberg ..... 467
Arkansas Valley Cooperative Rural Electric Co. v. Elkins ..... 190
Big Creek Drug Co. v. Stuyvesant Ins. Co. ..... 227
Brewer v. Browning ..... 277, 278
Carpenter v. Edmondson ..... 490
Carter Carburetor Corp. v. Federal Trade Commission ..... 173
Central Surety & Ins. Co. v. Caswell ..... 489
City of Pass Christian v. Fernandez 201
City of Vicksburg v. Butler ..... 438
Eastman Gardiner & Co. v. Permenter ..... 211
Edward Hines Trustees v. State ..... 434
Fisher v. Browning ..... 276
Flexner v. Farson ..... 502
Flueling v. Goeringer ..... 213
General Talking Pictures Corp v. American Telephone and Telegraph Co. ..... 187
Germania Life Ins. Co. v. Bouldin ..... 226
Granquist v. Crystal Springs Lumber Co. ..... 281
Greenlee v. Hardin ..... 251
Home Ins. Co. v. Thornhill ..... 230
Humble Oil & Refining Co. v Railroad Commission of Texas; Fischer v. Smith; Rowan and Nichols Oil Co. v. Railroad Commission of Texas ..... 336
James v. Yazoo and M.V.R.R. ..... 211
Kugligowski v. Hart ..... 160
Leroux v. Brown ..... 257
Martin v. Martin ..... 249
Morrison v. Smith Bros., Inc. ..... 205
Ohio Valley Water Co. v. Ben Avon Borough ..... 312
Old Men's Home, Inc. v. Lee's Estate ..... 527
Railroad Commission of Texas v. Rowan and Nichols Oil Co. ..... 325, 335
Saucier v. Life & Casualty Ins. Co. of Tennessee ..... 232
Selig v. Price ..... 440
South Carolina State Highway Dept. v. Barnwell Bros. ..... 341
State Highway Commission v. Knight ..... 197
St. Joseph Stockyards v. United States ..... 314
Thompson v. Consolidated Gas Utilities Corp. ..... 345
Traveler's Fire Ins. Co. v. Price ..... 228
United States ex rel. Broker v. Baird ..... 470
United States ex rel. Errichetti v Baird ..... 469
United States ex rel. Filomio v. Powell ..... 472
United States ex rel. Pasciuto v. Baird ..... 472
Wiseman v. Dennis ..... 175


## MISSISSIPPI STATUTES


MISS. CODE ANN. (1930)
Sec. 62 ..... 432, 435, 436
Sec. 321 ..... 191
Sec. 363 ..... 496
Sec. 420 ..... 439, 440, 442
Sec. 495 ..... 496
Sec. 951-986 ..... 191
Sec. 1012-1036 ..... 191
Sec. 1401 ..... 269
Sec. 1789 ..... 437
Sec. 2348 ..... 523
Sec. 2617 ..... 513
Sec. 3161 ..... 427
Sec. 3162 ..... 427
Sec. 3165 ..... 431
Sec. 3166 ..... 427, 429
Sec. 3178 ..... 428
Sec. 3179 ..... 430, 432, 435
Sec. 3180 ..... 438
Sec. 3191 ..... 439
Sec. 3276 ..... 439
Sec. 3343 ..... 256
Sec. 3347 ..... 256
Sec. 3348 ..... 256
Sec. 3349 ..... 256
Sec. 3617 ..... 519
Sec. 3623 ..... 519, 522
Sec. 3686 ..... 513, 519
Sec. 3848 ..... 513
Sec. 3860 ..... 519
Sec. 4275 ..... 513, 515
Sec. 4294 ..... 513, 519
Sec. 4323 ..... 519, 522
Sec. 4627 ..... 513
Sec. 4642 ..... 513
Sec. 4658 ..... 513, 519
Sec. 5135 ..... 513, 515
Sec. 5195-5209 ..... 233
Sec. 5196 ..... 223
Sec. 5639 ..... 513
Sec. 5650 ..... 519
Sec. 5653 ..... 513, 519
Sec. 5825 ..... 513
Sec. 5848 ..... 513
Sec. 5861 ..... 513
Sec. 5863 ..... 522
Sec. 5911 ..... 513, 519
Sec. 5916 ..... 519, 522

## MISSISSIPPI STATUTES

Sec. 6603 ..... 513, 515
Sec. 7122 ..... 513, 519
Sec. 7125 ..... 519, 522
MISSISSIPPI CODE SUPP. (1938)
Sec. 474 ..... 440
Sec. 3191 ..... 428
Chap. 148, Laws of 1938 ..... 500
Chap. 345, Laws of 1938 ..... 500
Chap. 246, Laws of 1940 ..... 500, 507

# GENUINE
# ENGRAVED LETTERHEADS

**$7.00** *for 1,000 complete cost*

## FREE PROOF—FREE DIE

### LOWEST PRICES IN AMERICA

Engraved stationery adds prestige to your correspondence and is the best investment you can make . . . and at Dewberry's your cost is no more than ordinary printing.

Without cost or obligation to you a proof of your letterhead will be mailed, designed in the most modern styles. You place no order until after you have ok'ed your proof. Simply mail us your present letterhead and mark on it any changes desired.

## DEWBERRY ENGRAVING COMPANY

*America's Largest Producer of Genuine Engraved Stationery*

807 South 20th Street Birmingham, Alabama

# USED LAW BOOKS

We list below a few selections from our large stock of good used standard sets, which we are offering (subject to prior sale) at attractive prices:

**American Decisions**, 100 Vols., **American Reports**, 60 Vols., two-in-one Edition, Extra Annotated, with three volumes Digest, buckram.

**American State Reports**, 140 volumes, sheep.

**American Decisions and Reports**, Notes to, 20 Vols., buckram.

**American Digest**: Century, First, Second and Third Decennials.

**American & English Annotated Cases**, 53 volumes, and Digest, buckram.

**American Law Reports**, Vols. 1 to 138, 4 volumes Digest and 3 volumes Desk Book, buckram.

**Encyclopedia of Forms**, 18 volumes, sheep.

**Lawyers Reports** Annotated, complete—Old, New and Lettered Series.

**Negligence and Compensation Cases**, 39 volumes and three volumes Digest, buckram.

**Rose's Notes to U. S. Reports**, 20 volumes, and Vol 1 Revised Supplement, buckram.

**Ruling Case Law**, 28 volumes, and Permanent Supplement, 10 volumes, buckram.

**U. S. Reports**, Law Ed., Books 1 to 84 incl., part newly rebound in buckram, balance buckram.

We also have quite a number of odd volumes and suggest that you check your library and send us a list of your needs to round it out.

Prices and detailed information mailed upon request.

## THE HARRISON COMPANY

Law Book Publishers - Atlanta, Georgia